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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Wheat Bulletin 1, Supp. 1, Amdt. 2]

PART 671—WHEAT

SUBPART—1949 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP WHEAT PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 14 F. R. 3733, 4535, and 5420, governing the making of loans and containing the requirements of the purchase agreement program on wheat produced in 1949 are hereby further amended as follows:

Under § 671.124 *Support rates*, the following changes are made:

1. Paragraph (a) is amended so that the paragraph reads as follows:

(a) *Support rates at terminal markets.* Support rates for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, stored in eligible warehouse storage at the following terminal markets, shall be as follows:

Terminal market	*Rate per bushel*
Terminal markets used for determining county support rates:	
Portland, Oreg., and Seattle, Wash.	$2.16
Kansas City, Mo., Kansas City, Kans., Omaha, Nebr., San Francisco, and Los Angeles, Calif.	2.21
Minneapolis and Duluth, Minn.	2.23
Chicago, Ill., St. Louis, Mo., and Memphis, Tenn.	2.26
Louisville, Ky., and Cincinnati, Ohio	2.28
New Orleans, La., and Galveston, Tex.	2.31
Philadelphia, Pa.	2.37
Terminal market rates determined for storage only:	
Astoria, Oreg., Vancouver, Tacoma, and Longview, Wash.	$2.16
St. Joseph, Mo., Council Bluffs, Sioux City, Iowa, and Stockton and Oakland, Calif.	2.21
St. Paul, Minn., and Superior, Wis.	2.23
Milwaukee, Wis., and East St. Louis, Ill.	2.26
Cairo, Ill.	2.27
Evansville, Ind.	2.28
Buffalo, N. Y., and Houston, Tex.	2.31
Baltimore, Md., and Norfolk, Va. (except as provided in par. (b) (2) of this section)	2.37
Albany, N. Y.	2.38

For the full support rate shown in the above schedule, the wheat must have been shipped on a domestic interstate freight rate basis. The rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic interstate freight rate on any wheat shipped at other than the domestic interstate freight rate.

The foregoing schedule of rates applies to wheat delivered to any designated terminal market which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional domestic interstate freight rates from the terminal market, there shall be deducted from the applicable terminal rate, the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. The warehouse receipts must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information, or, (3) such forms as may hereafter be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The wheat represented by attached warehouse receipt No. ____ was received by rail freight from _____ _____ _____
(Town) (County) (State)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

point of origin, as evidenced by freight bill described as follows:

Way bill, date _____
No. _____
Car No. _____
Initial _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

Wheat stored at a designated terminal market (including trucked-in wheat) for which neither registered freight bills nor such freight certificates, which guarantee outbound movement at the minimum proportional domestic interstate freight rate, are presented shall have a support rate equal to the county rate for the county in which the wheat is stored, except that the support rate for wheat stored in Baltimore, Maryland, shall be the support rate established for Baltimore City, and the support rate for wheat

stored in St. Louis, Missouri, shall be the support rate established for St. Louis County, Missouri.

2. Subparagraph (1) of paragraph (b) is amended so that the paragraph reads as follows:

(b) *Support rates at other than designated terminal markets.* (1) For States and counties other than those designated in subparagraph (2) of this paragraph, the support rate for wheat in storage on the farm or in country warehouses shall be determined by deducting from the designated terminal rate an amount equal to (i) the receiving and loading-out charges computed in accordance with the applicable schedule of rates of the Uniform Grain Storage Agreement (CCC Form H, revised) for the 1949-crop plus (ii) the average all-rail domestic interstate freight rate (plus tax) from representative shipping points (other than subterminal markets) in each county to the appropriate terminal market.

Upon request by the county committee, the PMA commodity office will determine the rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail from other shipping points by deducting from the appropriate designated terminal market rate an amount equal to the transit balance of the through-freight rate from point of origin for such wheat to such terminal market plus freight tax on such transit balance: *Provided,* That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges or by a statement of the warehouseman in the following form or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The wheat represented by attached warehouse receipt No. _____ was received by rail freight from _____
(Town)
_____ _____
(County) (State)
point of origin, was evidenced by freight bill described as follows:

Way bill, date _____
No. _____
Car No. _____
Initial _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Transit balance, if any, of through freight rate to _____ of _____ per 100 pounds.
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

(2) Schedules of rates for wheat at other than designated terminal markets and for certain wheat at Norfolk, Virginia, will be issued with respect to the following States: Delaware, Kentucky, Maryland, New York, New Jersey, North Carolina, Tennessee, Virginia and West Virginia.

The rate for wheat stored in approved warehouses (except those situated at designated terminal markets and for wheat stored in the Norfolk terminal elevator of the Norfolk and Western Railroad) in the foregoing States, which was shipped by rail in the movement of natural market direction as approved by CCC, shall be determined by adding to the county rate shown on such separate schedule for the county from which the wheat was shipped, an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement (CCC Form H, revised) for the 1949 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. In each instance the transit value must be verified by the PMA commodity office serving the area. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in subparagraph (1) of this paragraph. If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of back haul, or out-of-line of natural market movement, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rates as determined above.

The rate for wheat originating in the counties of Cecil, Kent, Queen Anne, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester in Maryland; all counties in Delaware; and Accomac and Northampton counties in Virginia, which is shipped to Norfolk, Virginia, and stored in the Norfolk terminal elevator of the Norfolk and Western Railroad, shall be the rate shown on such separate schedule for the county from which the wheat is shipped plus the amount of freight per bushel paid, plus 5½ cents per bushel.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 21st day of October 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-8576; Filed, Oct. 25, 1949; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Bulletin NSCP-1401]

PART 706—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1950

Payments will be made for participation in the 1950 Naval Stores Conservation Program (hereinafter referred to as "this Program") in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Payments are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides for payments for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1946 season.

Sec.
706.101 General provisions.
706.102 Conservation practices and rates of payment.
706.103 General provisions relating to payments.
706.104 Total payments limited.
706.105 Excess cotton acreage.
706.106 Application for payment.
706.107 Appeals.
706.108 Definitions.
706.109 Authority and availability of funds, and applicability.
706.110 Administration.

AUTHORITY: §§ 706.101 to 706.110 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Apply or interpret secs. 7–17, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 205; 62 Stat. 1247; 16 U. S. C. and Sup. 590g–590q; Pub. Law 146, 272; 81st Cong.

§ 706.101 *General provisions*—(a) *Loan and purchase programs.* Producers who participate in this program, including those producers operating within the public domain (see § 706.109 (c)), will meet the conservation requirements of any loan or purchase programs which may be set up for producers during 1950.

(b) *Required performance.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1950 turpentine season, carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1946, 1947, 1948, 1949, and 1950 seasons, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no payment will be made for any faces in such tracts or drifts.

(c) *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by: (1) Giving them free access to his turpentine farm or farms, (2) counting all faces and keeping written records thereof separately by tracts and drifts, (3) furnishing count records and satisfactory evidence of control of faces to the local inspector when re-

quested, (4) furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested, (5) furnishing competent labor to assist the local inspector in counting faces, (6) submitting an application for payment (Form NSCP–1403) and other prescribed forms, (7) notifying the Forest Service promptly of any change in ownership or control, and (8) otherwise facilitating the work of the inspector in checking compliance with the terms and conditions of this program.

(d) *Fire protection.* Each producer shall cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.102 *Conservation practices and rates of payment.* No tract or drift can qualify for payment under more than one conservation practice. No tract or drift having virgin faces installed can qualify for a payment unless the shoulder of the first streak on any face on a round tree which is not deformed is less than 18 inches from the ground. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

(a) *Cupping only trees 9 inches or over d. b. h.; 2¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1950 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h., and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice. If faces have been installed contrary to these performance requirements, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

(b) *Continuation of working faces on trees 9 inches or over d. b. h.; ½¢ per face.* Payment for this practice is limited to tracts or drifts having faces installed during the 1946, 1947, 1948, and 1949 seasons, together with any new faces that may have been installed within such tracts or drifts during the 1950 season.

Performance: With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than any one face may be continued on any tree which is less than 14 inches d. b. h.: *Provided, however,* That faces installed during or after the 1946 season which do not meet the above requirements but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1950. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered, unless a longer period of time for their removal is approved by the Forest Service.

(c) *Restricted cupping; 3½¢ per face.* This practice limits the installation of new 1950 virgin faces to previously worked trees.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees. If, upon inspection, it is found that this requirement is not met, tracts or drifts may qualify for payment under the practice specified in paragraph (a) or (d) of this section. No continuation payment will be made until 1951, when the 1950 virgin faces installed under this practice will be considered for qualification.

(d) *Cupping only trees 10 inches or over d. b. h.; 3½¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1950 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no working faces on round trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice. If, upon inspection, it is found that these requirements are not met, the producer may qualify for payment under the practice specified in paragraph (a) of this section.

(e) *Continuation of working faces on trees 11 inches or over d. b. h.; 2½¢ per face.* Payment for this practice is limited to tracts or drifts on which a payment was earned for 11" diameter cupping under the 1949 program.

Performance: New faces installed on any trees in these tracts or drifts will disqualify the tracts or drifts for payment under this practice. If, however, new faces have been installed on any trees, the entire tracts or drifts will be considered only for qualification under the provisions of paragraph (b) of this section. There may be withheld, or required to be refunded, 2½¢ per face for each face in the tracts or drifts in which such installation occurs and for which payment was made in 1949.

(f) *Selective cupping; 6¢ per face.* Only trees which should be removed in the future to improve the timber stand will be cupped. Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1950 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in leaving well distributed over the area at least as many round trees 9 inches or more d. b. h. uncupped as are cupped. The working area shall have a minimum of 25 uncupped round trees per acre which are 9 inches or more d. b. h. Under both of these conditions the cupped trees may be of any size. When these requirements are not met, the area will be considerd for qualification under one of the diameter cupping practices as specified in paragraph (a) or (d) of this section.

(g) *Continuation of selective cupping practice under paragraph (f) of this section on selected trees; 3¢ per face.* Payment for this practice is limited to those tracts or drifts which qualified for the selective cupping practice in the 1946, 1947, 1948, or 1949 programs.

Performance: New faces installed on round trees in these tracts or drifts will disqualify the tracts or drifts for payment under this practice. If, however, new faces have been installed on round trees, the entire tract or drift will be considered only for qualification under the provisions of paragraph (b) of this section. There may be withheld or required to be refunded 4¢ per face for each face in the tracts or drifts in which such installation occurs, and for which a payment was made in 1946, 1947, 1948, or 1949 programs.

(h) *Selective re-cupping; 8¢ per face.* Payment for this practice is limited to tracts or drifts which were worked and earned a payment under the selective cupping practice of a previous program.

Performance: Faces will be installed only on previously worked trees, and no faces will be installed on round trees. If, upon inspection by the Forest Service, it is found this requirement is not met, the tracts or drifts may qualify for payment under the practice specified in paragraph (a) or (d) of this section. No continuation payment will be made until 1951, when the 1950 virgin faces installed under this practice will be considered for qualification.

(i) *Pilot plant tests; 6¢ or 9¢ per face.* Payment under this practice will be limited to a small number of producers who are selected by the Forest Service to conduct controlled experiments in new methods and equipment for gum production. The 6¢ per face payment will apply to faces installed in accordance with the provisions of paragraph (a) or (b) of this section. The 9¢ per face payment will apply to faces installed in accordance with the provisions of paragraphs (c), (d), (e), (f), (g), or (h) of this section.

Performance: The experiments are to be carried out in accordance with provisions prescribed by the Forest Service.

§ 706.103 *General provisions relating to payments*—(a) *Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows: (1) Any payment amounting to 71 cents or less shall be increased to $1.00; (2) any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (3) any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(b) *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to, the following:

(1) The cutting contrary to good forestry practice of turpentine trees in drifts or tracts (including current nonworking areas) on which conservation payments have been or would be made under this or the 1946, 1947, 1948, or 1949 programs. There may be withheld or required to be refunded 3¢ per face for each face that was worked in 1946, 1947, 1948, 1949, or 1950 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

Round or scarred turpentine trees should only be cut for thinnings or higher economic use. When such trees are cut for thinnings at least 150 trees per acre of approximately the same size as the trees which are cut should be left uncut and undamaged and well distributed over the cutting area.

When an area contains less than 150 round or scarred turpentine trees per acre which are 8 feet or more in height, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

When round or scarred trees are cut for higher economic use, such as high-quality timbers, poles, or piling, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

(2) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of the payment earned under this program on the drifts or tracts in which such improper burning occurs.

(3) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1945 turpentine season. There may be withheld or required to be refunded, 2¢ per face for each working face installed during or prior to 1945 in the tracts or drifts in which such installation occurs.

(c) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (d) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (12 F. R. 1187)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(d) *Assignments.* Any producer who may be entitled to any payment in connection with this program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1950. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with the applicable instructions (ACP-70), witnessed, however, by an inspector or the program supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

(e) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended. (5 F. R. 2875; 6 F. R. 1647, 4430; 9 F. R. 12237)

§ 706.104 *Total payments limited*—(a) *Payments limited to $2,500.* The total of all payments made in connection with the 1950 Naval Stores Conservation Program and the 1950 Agricultural Conservation Program to any producer participating in said program(s) shall not exceed the sum of $2,500.

(b) *Evasion.* All or any part of any payment which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 706.105 *Excess cotton acreage.* (a) Any person who makes application for payment with respect to any turpentine farm located in a county in which cotton is planted in 1950 shall certify in his Certificate of Performance and Application for Payment that he has not knowingly planted cotton, or caused cotton to be planted, during 1950 on land in any farm wherever situated in which he has an interest, in excess of the cotton acreage allotment for the farm for 1950, and that if cotton was planted in excess of such allotment it was done without his authority or consent and, if he had knowledge thereof, he made every reasonable effort to prevent such overplanting.

(b) Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1950 on acreage in excess of the cotton acreage allotment for the farm for 1950 shall not be eligible for any payment whatsoever, on that farm, on his turpentine farm, or any other farm, for the year 1950 under the 1950 Naval Stores Conservation Program or Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1950 on an acreage in excess of the cotton acreage allotment for the farm for 1950 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1950.

§ 706.106 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment may be filed by any producer who is working faces for the production of gum naval stores, during the 1950 turpentine season, which were installed during or after the 1946 season. If one producer conducts the operation of a turpentine farm during a portion of the 1950 turpentine season and another producer conducts the operation of the turpentine farm during the

remainder of the season, the producer who completes the conservation practices shall file the application.

(b) *Time and manner of filing applications and information required.* Payments will be made only when a report of performance is submitted on or before January 15, 1951, on the prescribed form (NSCP–1403) to the Forest Service. Payment may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.107 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request of the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of payment with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the American Turpentine Farmers Association Cooperative, Valdosta, Georgia, in writing to appoint a committee of fellow producers to review the case. If the committee does not concur with the decision of the Regional Forester, the producer may request the Chief of the Forest Service to review the case and render his decision, which shall be final.

§ 706.108 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus caribaea).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, hereinafter referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer, on which turpentine trees are growing and which are not being currently worked for gum naval stores, hereinafter referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Crop.* 10,000 faces.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

§ 706.109 *Authority and availability of funds and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

(b) *Availability of funds.* The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in this program.

The funds provided for this program will not be available for the payment of applications filed after December 31, 1951.

(c) *Applicability.* The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of Department of the Interior).

This program is applicable to turpentine farms on privately-owned lands, lands owned by a State or a political subdivision or agency thereof, or owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, Federal Land Banks, Production Credit Associations, or the Departments comprising the National Military Establishment, shall be considered eligible unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

§ 706.110 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions, and forms (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942), and to make such determinations as may be required to administer this program, pursuant to the provisions of this bulletin; and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia. The procedural requirements of this bulletin, such for example as those relating to notice of proposed action and consent thereto, may be waived by the Forest Service when in its judgment such waiver does not otherwise materially affect compliance with program practices. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Inspector of the Forest Service.

NOTE: The record keeping and reporting requirements in this bulletin have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued at Washington, D. C., this 20th day of October 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–8553; Filed, Oct. 25, 1949; 8:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter E—Determination of Sugar Commercially Recoverable

[Sugar Determination 833.2]

PART 833—MAINLAND CANE SUGAR AREA

1949 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, the following determination is hereby issued:

§ 833.2 *Sugar commercially recoverable from sugarcane in the Mainland cane sugar area.* The amount of sugar commercially recoverable from the sugarcane grown on a farm in the Mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons (net weight) of such sugarcane by the hundredweight of sugar, raw value, specified for the average percentage of sucrose in the normal juice of such sugarcane (computed to the nearest one-tenth of one percent) as follows:

(a) The rates shown in paragraphs (b) and (c) of this section shall apply to the 1949 crop and the rates applicable to each succeeding crop shall be estab-

lished by the Production and Marketing Administration from data for the next preceding five crops in a manner similar to that used in computing the rates applicable to the 1949 crop.

(b) For farms in Louisiana:

Percentage of sucrose in normal juice:[1]	*Hundredweight of sugar*
8.0	0.889
9.0	1.055
10.0	1.250
11.0	1.424
12.0	1.578
13.0	1.736
14.0	1.895
15.0	2.057
16.0	2.221
17.0	2.388
18.0	2.556

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

(c) For farms in Florida:

Percentage of sucrose in normal juice:[1]	*Hundredweight of sugar*
8.0	0.964
9.0	1.138
10.0	1.349
11.0	1.535
12.0	1.700
13.0	1.868
14.0	2.039
15.0	2.213
16.0	2.389
17.0	2.567
18.0	2.747

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

This determination supersedes, with respect to the 1949 and subsequent crops, the "Determination of Sugar Commercially Recoverable in the Mainland Cane Sugar Area (Revised)" issued October 1, 1948 (13 F. R. 5854).

STATEMENT OF BASES AND CONSIDERATION

Sugar Act requirements. Determinations of amounts of sugar commercially recoverable from sugarcane are required under section 302 (a) of the Sugar Act for the purpose of computing payments.

Former determinations. The rates of recoverability specified in the initial determination for this area under the act of 1937 were based on the average recoveries obtained by the mills in each State during the crop years 1935 and 1936, adjusted for the lower recovery obtained from the 1937 crop. The customary basis of settlements between growers and processors for sugarcane was recognized by basing recoverability in Louisiana on the percentage of sucrose in the normal juice of the sugarcane and in Florida on the percentage of sucrose in the crusher juice. These rates were revised in 1948 for two reasons: (1) In Louisiana there was a significant decline in sugar recovery as compared with the base period, largely because of the increased amount of trash delivered with cane cut and loaded mechanically, (2) in Florida there was a substantial difference between the amounts of sugar actually recovered and the amounts computed under the determination. The revised determination applicable to the 1948 crop established recovery rates at the various sucrose levels based on the average recoveries obtained during the crop years 1942 through 1946. For Louisiana the rates were adjusted to a net cane basis (gross weight less weight of trash in excess of three percent). The rates established for Florida were based on normal juice sucrose instead of crusher juice which largely eliminated the difference between actual and calculated recoveries. The 1947 crop was not included in the base period because the recoveries were deemed to be unrepresentative. That crop was grown and harvested under unfavorable weather conditions. The Louisiana crop was processed with abnormally high trash and moisture content resulting in recoveries substantially below the average for the five preceding crops.

Basis of revision. Unfavorable weather conditions also affected the 1948 crops in Florida and Louisiana, while machine cutting and loading of cane in Louisiana resulted in the delivery of stale and trashy cane. The recoveries from this crop were lower than for the 1947 crop. In view of changes in recoveries, continued use of results for a past fixed base period would be unjustifiable. It is believed that the adoption of moving base periods comprised of the five preceding crops will result in more representative rates. Any improvement in recoveries resulting from the 1949-Crop Sugarcane Price Determination, which was designed to obtain deliveries of better quality sugarcane, will be reflected in the rates applicable to succeeding crops.

The recovery rates will apply to the net weight of the sugarcane. In Florida, the net weight of the cane will be determined according to the method followed for recent crops. In Louisiana, the net weight of the cane will be determined by reducing the gross weight to a trash-free basis as defined in Sugar Determination 874.2 issued September 26, 1949. The rates were computed by applying the Winter-Carp formula for determining available sugar to the average results of all sugar mills operating in Louisiana and Florida, respectively, as reported on Forms SU–123, Factory Run Report. The recovery rates represent simple averages of the results for all of the crops 1944 through 1948, except that the rates for Louisiana were adjusted to show recoveries on the basis of trash-free sugarcane. The recovery rates which will be applicable to the 1950 and each subsequent crop will be established by the Production and Marketing Administration from corresponding data for the next preceding five crops in a manner similar to that used to establish the rates for the 1949 crop.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 (a) of the Sugar Act of 1948 (sec. 302, 61 Stat. 930; 7 U. S. C. 1132).

Issued this 20th day of October 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 49–8552; Filed, Oct. 25, 1949; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 53]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 375—BLT (BLANKET) LICENSES

EXPORT LICENSING GENERAL POLICY AND APPLICATION REQUIREMENTS

Section 373.1 *Export licensing general policy* is amended in the following particulars:

1. Paragraph (b) *Accepted orders; evidence and certification* is amended in the following particulars:

a. Subparagraph (2) *Evidence of accepted order* is amended to read as follows:

(2) *Evidence of accepted order.* Evidence of an accepted order may take the form of an original or photostatic copy of either the contract signed by both the exporter and the importer, or of letters, telegrams, cables, or other documents resulting in a contract between the applicant and the foreign buyer. Such evidence must be kept available for inspection upon demand by the Office of International Trade for 3 years from the date of receipt of the application.

b. Subparagraph (3) *Small orders* is hereby deleted.

c. Subparagraph (4) *Certification as to accepted order,* subdivision (i) is amended to read as follows:

(i) With respect to license applications covering diffusion pump oils (Schedule B No. 829980) and all the commodities listed in paragraph (h) of this section, an applicant shall certify in the following form that he holds an accepted order for the commodities covered in the application and that he will keep and will on demand make available to the Office of International Trade the relevant documents or records.

As a material representation in connection with this application _____ (Applicant's reference _____, I (we) certify that it represents number)
a request to export commodities which, subject only to conditions beyond the control of either the applicant or named purchaser, the named purchaser has contracted to buy from the applicant, and the applicant has contracted to sell to the named purchaser. This application accurately reflects the terms of this contract. The documents or records evidencing this contract will be kept by this applicant for 3 years from the date of receipt of the application and will be made available to the Office of International Trade upon demand.

The foregoing certification must be made on the license application by executing the form on the reverse side of Form IT–419 (Revised), or on an attachment thereto. The certification must be signed by the applicant, his officer or duly authorized agent in the same manner as the application itself.

2. Paragraph (h) *Commodities subject to this export licensing policy* is amended to read as follows:

(h) *Commodities subject to this export licensing policy.* The export licensing policy set forth in the preceding paragraphs of this section shall be applicable to the following commodities:

(1) All RO commodities with the following processing code symbols of the Office of International Trade:

ACID	ORGN
CERL	PLAT
DRUG	RESN
FERT	SALT
COTA (except diffusion pump oils, Schedule B No. 829930)	SEED

(2) The following additional Positive List commodities:

Commodity	Schedule B No.
Calf skins, dry, except calf skins to be exported in accordance with § 373.10 (a) (2)	020602
Calf skins, wet (include slunk skins)	020604
Kip skins, dry, except kip skins, dry, to be exported in accordance with § 373.10 (a) (2)	020702
Kip skins, wet	020704
Manila or abaca	320515
Sisal or henequen	320519
Coke, metallurgical grades only	500400
Diamond grinding wheels (include resinoid diamond abrasive wheels, and sticks, hones, and laps)	540905
Diamond dust, or powder	540910
Diamonds suitable only for industrial use	599005
Diamonds, rough or uncut, suitable for cutting into gem stones	599010
Diamond bearings	599098
Iron and steel scrap:	
No. 1 heavy melting steel scrap	601020
No. 2 melting steel scrap	601030
Hydraulically compressed and baled sheet melting scrap	601040
Cast and burnt iron scrap	601070
Other (include heavy shoveling steel, selected rail scrap, machine shop turnings, wire shorts (scrap only), etc.)	601090
Iron sheets, galvanized:	
Galvanized iron culvert sheets	603350
Other galvanized iron sheets	603390
Steel sheets, galvanized:	
Galvanized steel culvert sheets	603450
Other galvanized steel sheets	603490
Diamond saws, except circular	615605
Tools incorporating industrial diamonds, n. e. s. (include metal alloy slugs containing diamonds)	617891
Tin metal in ingots, pigs, bars, blocks, slabs, and other forms	656507
Cadmium metals (include metallic shapes)	664915
Rock drills, when containing diamonds	731100
Rock drill bits, detachable, when containing diamonds	731150
Other mining and quarrying machinery when containing diamonds (report drill bits in 731150)	733910
Parts for mining and quarrying machinery when containing diamonds	733990
Diamond dies for power-driven metalworking machinery	745503
Diamond penetrators	774020
Diamond penetrator parts	775098
Diamond disk points and other dental instruments containing diamonds	915000

Section 375.3 *Application requirements* is amended in the following particulars:

Paragraph (b) *Orders* is amended to read as follows:

(b) *Orders.* The applicant must hold, in connection with each commodity subject to the export licensing general policy set forth in § 373.1 of this chapter, accepted orders from each of the consignees listed, in at least the quantity applied for. Applications covering such commodities must be accompanied by the certification that accepted orders are held, as prescribed by § 373.1 of this chapter. Evidence of such accepted orders must be kept available for inspection upon demand by the Office of International Trade for 3 years from the date of receipt of the license application.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 14, 1949 except that with respect to subparagraph (3) of § 373.1 (b) and paragraph (b) of § 375.3 it shall become effective October 31, 1949.

Dated: October 11, 1949.

LORING K. MACY,
Assistant Director,
Office of International Trade.

[F. R. Doc. 49-8560; Filed, Oct. 25, 1949; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5649]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

C. LEE COOK MFG. CO.

Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* In connection with the sale or distribution in commerce of metallic packings or metallic packing replacement and repair parts, (1) selling or making any contract for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent; (2) fixing the price charged for any such products, or granting a discount from or rebate upon the price therefor, on the condition, agreement or understanding that the purchaser of such products shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent; or, (3) enforcing or continuing in operation or effect any condition, agreement or understanding in or in connection with any existing sale or contract for the sale of any such products, which condition, agreement or understanding is to the effect that the purchaser of such products shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14) [Cease and desist order, C. Lee Cook Manufacturing Company, Docket 5649, September 30, 1949]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondent's answer thereto, in which answer said respondent admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of section 3 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act):

It is ordered, That the respondent, C. Lee Cook Manufacturing Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution in commerce, as "Commerce" is defined in the aforesaid Clayton Act, of metallic packings or metallic packing replacement and repair parts, do forthwith cease and desist from:

(1) Selling or making any contract for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent.

(2) Fixing the price charged for any such products, or granting a discount from or rebate upon the price therefor, on the condition, agreement or understanding that the purchaser of such products shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent.

(3) Enforcing or continuing in operation or effect any condition, agreement or understanding in or in connection with any existing sale or contract for the sale of any such products, which condition, agreement or understading is to the effect that the purchaser of such products shall not use or deal in the metallic packings or the metallic packing replacement and repair parts, or other goods or merchandise, of a competitor or competitors of the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: September 30, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-8561; Filed, Oct. 25, 1949; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

APPLICATIONS FOR BRONZE STAR MEDAL

Section 578.2 (k) (5) is amended to read as follows:

§ 578.2 *To whom decorations awarded.* * * *

(k) *Bronze Star Medal.* * * *

(5) *Application for award.* Members of the Armed Forces of the United States, who have been awarded the Combat Infantryman Badge or Medical Badge by competent authority, or whose meritorious achievement or exemplary conduct in ground combat against the armed enemy at any time from December 7, 1941, through September 3, 1945, is otherwise confirmed in writing, may make application to The Adjutant General, Washington 25, D. C., for award of the Bronze Star Medal.

[C15, AR 600–45, Oct. 13, 1949] (40 Stat. 871, 41 Stat. 398, 56 Stat. 1052; 10 U. S. C. 1412)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–8563; Filed, Oct. 25, 1949; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter D—Navigation Requirements for Certain Inland Waters

[CGFR 49–39]

PART 80—PILOT RULES FOR INLAND WATERS

SPECIAL DAY OR NIGHT SIGNALS

A notice regarding proposed changes in the inspection and navigation regulations was published in the FEDERAL REGISTER dated August 23, 1949 (14 F. R. 5230), and a public hearing was held by the Merchant Marine Council on September 27, 1949, at Washington, D. C.

The purpose of the amendments to the Pilot Rules is to add a new § 80.32a which will prescribe a day signal to be exhibited by fishing vessels or boats when operating on inland waters with nets, lines, or trawls out. This new regulation is based on a petition submitted to the Coast Guard. The new regulation will require the same day marks for fishing vessels as presently required by Article 9 (k) of the International Rules (33 U. S. C. 79 (k)).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 2, 30 Stat. 102, as amended; 33 U. S. C. 157, the following amendments to the regulations are prescribed, which shall become effective ninety (90) days after date of publication of this document in the FEDERAL REGISTER:

1. Part 80 is amended by adding a new center heading and § 80.32a which shall immediately follow § 80.32, reading as follows:

SPECIAL DAY OR NIGHT SIGNALS

§ 80.32a *Day marks for fishing vessels with gear out.* All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal in the direction from the anchor back towards the nets or gear.

2. Part 80 is amended by deleting the center heading "Signals, Day or Night, at Anchor, or Under Way, United States Coast and Geodetic Survey Vessels" which immediately precedes § 80.33.

(Sec. 2, 30 Stat. 102, as amended; 33 U. S. C. 157)

Dated: October 20, 1949.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 49–8570; Filed, Oct. 25, 1949; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 297—EXECUTIVE ORDERS AND RELATED PUBLIC LAND ORDERS REFERRED TO IN THIS CHAPTER

WITHDRAWAL OF LANDS CONTAINING HOT OR MEDICINAL SPRINGS

CROSS REFERENCE: For amendment of Public Land Order 399, which amended Executive Order 5389, see Public Land Order 614, *infra*. Executive Order 5389 is codified in part as § 297.9.

Appendix—Public Land Orders

[Public Land Order 614]

UNITED STATES AND ALASKA

AMENDMENT OF PUBLIC LAND ORDER 399, REVOKING E. O. 1324½, AND AMENDING E. O. 5389 WITHDRAWING PUBLIC LANDS CONTAINING HOT OR MEDICINAL SPRINGS

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The last sentence of the second paragraph of Public Land Order No. 399, of August 20, 1947, which revoked Executive Order No. 1324½, of March 28, 1911, and amended Executive Order No. 5389 of July 7, 1930, withdrawing certain public lands containing hot or medicinal springs, is hereby amended to read as follows:

Executive Order No. 5389 as hereby amended shall not affect lands in national forests, nor shall lands now outside of, or hereafter eliminated from, national forests be subject to the provisions of such order by reason of their proximity to any such springs in a national forest.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

OCTOBER 19, 1949.

[F. R. Doc. 49–8546; Filed, Oct. 25, 1949; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 843]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of October A. D. 1949.

It appearing, that reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and "car service" generally is impeded and interrupted by the lack of locomotive fuel coal; that the present production of bituminous coal is insufficient to relieve these conditions and adequately supply such fuel, and the Commission being of the opinion that an emergency exists requiring immediate action in all sections of the country: It is ordered, that:

§ 95.843 *Restrictions on coal-burning passenger service locomotive mileage*—(a) *Reduction in passenger locomotive mileage.* On and after the effective date of this order, any common carrier by railroad operating coal-burning steam locomotives and having 25 or less days supply of fuel coal for such locomotives and not having available a dependable source of supply of coal, shall reduce its coal-burning passenger locomotives miles to an amount of 25% less than it operated such coal-burning passenger locomotives on October 1, 1949.

(b) *Application.* (1) The provisions of this section shall apply to intrastate commerce, as well as interstate and foreign commerce.

(2) The provisions of this section shall apply to coal-burning passenger locomotive operation commencing on and after the effective date hereof.

(c) *Effective date.* This section shall become effective at 11:59 p. m., October 25, 1949.

(d) *Expiration date.* This section shall continue in effect until 11:59 p. m., December 25, 1949, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(e) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

It is further ordered, that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(15))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-8573; Filed, Oct. 25, 1949; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and the Oregon State Game Commission, it has been determined that the area of the Malheur National Wildlife Refuge which has been open to hunting, is unsuited for public hunting purposes. Inasmuch as the Service and the Commission have determined that a reasonable amount of public hunting can be permitted on the Refuge, compatible with the management of the Refuge for the protection of waterfowl and other species of wildlife, an alternate area has been selected which is better adapted for public hunting, is more readily accessible, and more easily identifiable by hunters.

Since the following regulation liberalizes to a greater degree than it restricts, the notice and public rule making procedure required by the Administrative Procedure Act (60 Stat. 237, 5 U. S. C., 1001 et seq.) are hereby found to be impracticable and the effective date requirement of the Administrative Procedure Act does not apply.

Effective on the date of publication of this document in the FEDERAL REGISTER § 31.208 is revised to read as follows:

§ 31.208 *Area open to hunting.* All that area of land and water owned by the United States in Harney County, Oregon, situated in and abutting on the north side of Malheur Lake bounded and described as follows:

Beginning at corner No. 1, in the record meander line (known as the Neal survey line) of T. 25 S., R. 32½ E. (north of Malheur Lake), in the south boundary of fractional sec. 29, at the corner common to lots 1 and 2 of said fractional section; thence in Malheur Lake south approximately 316.50 chs., N. 64° 45′ E., approximately 314.00 chs., to the east side of the borrow pit on the east side of Cole Island Dike, northerly with the east side of said borrow pit with the meanders thereof approximately 197.00 chs., to the record meander line (known as the Neal survey line) of T. 25 S., R. 32½ E. (north of Malheur Lake), the corner common to fractional sections 23, 25, and 26 and section 24; thence within T. 25 S., R. 32½ E. (north of Malheur Lake), north 20.00 chs. to the south sixteenth corner common to said fractional secs. 23 and 24; in fractional sec. 23, west 20.00 chs., north 20.00 chs., west 20.00 chs., north 20.00 chs., west 40.00 chs. to the northwest corner of lot 6 in the line common to fractional secs. 22 and 23; south approximately 23.00 chs. to the said record meander line, the meander corner common to fractional secs. 22 and 23; southwesterly with the aforesaid record meander line along the south boundaries of fractional secs. 22 and 27, approximately 182.00 chs. to the corner common to fractional secs. 21, 22, 27, and 28; north 20.00 chs. to the south sixteenth corner common to said fractional secs. 21 and 22; in fractional sec. 21, west 20.00 chs., north 20.00 chs., west 20.00 chs., north 20.00 chs., east 40.00 chs., to the north sixteenth corner common to said fractional secs. 21 and 22; north 20.00 chs., to the corner common to secs. 15 and 16, and fractional secs. 21 and 22; west 60.00 chs. to the west sixteenth corner common to said sec. 16 and said fractional sec. 21; in fractional sec. 21, south approximately 35.00 chs. to the corner common to lots 1, 2, 9, and 10; southwesterly approximately 22.50 chs. to the corner common to said lots 1 and 10 and in the line common to fractional secs. 20 and 21; north approximately 3.50 chs. to the quarter corner common to said fractional secs. 20 and 21; in fractional sec. 20, west 40.00 chs., south 40.00 chs. to the quarter corner common to fractional secs. 20 and 29; west 20.00 chs. to the west sixteenth corner common to said fractional secs. 20 and 29; in fractional sec. 29, south approximately 12.50 chs. to the place of beginning.

(50 CFR 21.31, 13 F. R. 9350)

Dated: October 20, 1949.

M. C. JAMES, *Acting Director.*

[F. R. Doc. 49-8545; Filed, Oct. 25, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR, Part 192]

MEANS OF EXPEDITING ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASES, PROPOSED NEW NONCOMPETITIVE OIL AND GAS OFFER AND LEASE FORM

NOTICE OF HEARING

Pursuant to the authority vested in the Secretary of the Interior by section 32 of the act of February 25, 1920 (41 Stat. 450, 30 U. S. C. sec. 189), a hearing will be held by C. Girard Davidson, Assistant Secretary of the Interior, on December 1, 1949, at 10:00 a. m., at the chamber of the House of Representatives, State Capitol, Denver, Colorado, to consider suitable means for expediting the issuance of noncompetitive oil and gas leases. There will be presented a proposed new noncompetitive oil and gas offer and lease form, amendment of 43 CFR 192.42–192.44, and proposed change in the leasing procedure, which are believed to offer a solution to the problem.

The purpose of the proposed new offer and lease form and the amendment to the regulations is to enable the Department to give quick service in the issuance of oil and gas leases with a minimum of effort on the part of both the applicant who offers to take a noncompetitive lease and the Department.

It is also proposed to change the procedure in the issuance of noncompetitive oil and gas leases on applications now pending by directing the issuing officer, in instances where a lease application is in conflict with a prior pending application as to part of the land, to issue leases forthwith as to the part not in conflict, and to suspend action as to the parts in conflict until action on the prior application is finally taken. At that time an additional lease will be issued for the part suspended or the application will be rejected as to that part, as the case may be. Tentative drafts of the proposed new offer and lease form and of the proposed regulations are attached as Appendix A. If the change of procedure, discussed above, is adopted, it will be effectuated by a Bureau of Land Management order.

Consideration will also be given to any other suggestions which may be presented as offering a means of expediting the issuance of noncompetitive oil and gas leases.

The hearing will be open to the attendance of all interested parties. Those desiring to be heard in person at such hearing should file notice thereof in the Office of the Bureau of Land Management, 341 New Customhouse, Denver, Colorado, not later than November 30, 1949. Written statements may be filed at the same office by any party so desiring on or prior to November 30, or with the Chairman at the hearing.

Following the hearing the Secretary of the Interior will, upon consideration of the complete record, determine whether the appropriate offer and lease form should be adopted and 43 CFR 192.42–192.44 be changed accordingly. Other sections of Part 192 will also have to be amended to conform to such amendments. Such forms and regulations, if adopted, will be duly published in the FEDERAL REGISTER. He will also direct the Bureau whether the proposed change in leasing procedure should be adopted.

Copies of the proposed forms and regulations may be obtained from the Bureau of Land Management, Washington, D. C., or any of the following of its field offices, or of the offices of the Oil and Gas Supervisors of the Geological Survey:

Region I, Swan Island Station, Portland, Oreg.

Region II, 100 Old Mint Building, Fifth and Mission Streets, San Francisco, Calif.

Region III, 1245 North 29th Street, Billings, Mont.

Region IV, 238 Federal Building, Salt Lake City, Utah (P. O. Box 659).

Region V 110 West Central Avenue, Albuquerque, N. Mex. (P. O. Box 1695).

Region VII, Federal Building, Anchorage, Alaska.

Colorado Land and Survey Office, 341 New Customhouse, Denver, Colo.

The offices of the Oil and Gas Supervisors are as follows:

Mr. J. R. Reeve, P. O. Box 311, Tulsa, Okla.

Mr. Leroy G. Snow, 1401 U. S. Post Office and Courthouse Building, Los Angeles 12, Calif.

Mr. J. R. Schwabrow, P. O. Box 400, Casper, Wyo.

Mr. Foster Morell P. O. Box 997, Roswell, N. Mex.

J. A. KRUG,
Secretary of the Interior.

OCTOBER 24, 1949.

APPENDIX A

UNITED STATES DEPARTMENT OF THE INTERIOR

DISTRICT LAND OFFICE

BUREAU OF LAND MANAGEMENT

Form No. 4-------
(Edition of ----------, 19----)
This form must not be used after December 31, 19----

Serial No. ----------
Receipt No. ----------

Offer To Lease and Lease for Oil and Gas

(Sec. 17 noncompetitive 5-year public domain lease)

1. Name ----------
P. O. Address ----------
hereby offers to lease all or any of the lands described in Item 2 that are available for lease, pursuant and subject to the terms and provisions of the act of February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181) as amended, hereinafter referred to as the act, and to all reasonable regulations of the Secretary of the Interior now or hereafter in force when not inconsistent with any express and specific provisions herein which are made a part hereof.

2. Land requested	3. Land included in lease
	(Not to be filled in by lessee)
------ Meridian ---------- (State)	------ Meridian ----------
T. ------- R. ------- Sec. ----------	T. ------- R. ------- Sec. ----------
Total area: -------- acres	Total area: -------- acres Rental retained $---------

4. Amount submitted: Filing fee $10, Rental $--------, Total $---------.

5. Undersigned certifies as follows:

a. He is a citizen of the United States. Native born ---------- Naturalized ----------
---

---

b. His other interests direct and indirect in oil and gas leases and applications therefor in the same State do not exceed 15,360 chargeable acres and are as follows: ----------
---

c. None of the lands described are within the known geologic structure of a producing oil or gas field.

d. That he is ready upon demand to furnish such bond or bonds as may be required under this lease or the regulations.

e. He accepts as a part of this lease, to the extent applicable, the Reclamation and Forest stipulations provided for in 43 CFR 191.5 and 191.6.

f. He is 21 years of age or over (or if a corporation is duly qualified as shown by accompanying statements).

g. That he has described all surveyed lands by legal subdivisions and unsurveyed lands by metes and bounds, and further states there are no settlers on unsurveyed lands described herein.

6. Undersigned agrees that his signature to this offer to lease shall also constitute his signature to and acceptance of this lease when executed by the proper officer on behalf of the United States of America.

7. It is hereby certified that the statements made herein are true, complete and correct to the best of his knowledge and belief, and are made in good faith.

In witness whereof, undersigned has hereto subscribed his name this ------ day of ----------, 19-----.

Witness: ---------- ----------
(Lessee)
---------- ----------
(Lessee)

A lease for the lands described in Item 3 above is hereby issued, subject to the provisions below and on the reverse side hereof.

THE UNITED STATES OF AMERICA,
By ----------
(Signing officer)

(Title)

Effective date of lease ----------

SECTION 1. *Rights of lessee.* That the lessee, in consideration of rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, is granted the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas deposits, except helium gas, in or under the lands leased, together with the right to construct and maintain thereupon, all works, buildings, plants, waterways, roads, telegraph or telephone lines, pipe lines, reservoirs, tanks, pumping stations, or other structures necessary to the full enjoyment thereof, for a period of five years, and so long thereafter as oil or gas is produced in paying quantities; subject to any unit agreement heretofore or hereafter approved by the Secretary of the Interior, the provisions of said agreement to govern the lands subject thereto where inconsistencies with the terms of this lease occur.

SECTION 2. In consideration of the foregoing, the lessee hereby agrees:

(a) *Bonds.* (1) To maintain any bond furnished by the lessee as a condition for the issuance of this lease. (2) To furnish a bond in a sum double the amount of $1 per acre annual rental, but not less than $1,000 nor more than $5,000, upon the inclusion of any part of the leased land within the geologic structure of a producing oil or gas field. (3) To furnish prior to beginning of drilling operations and maintain at all times thereafter as required by the lessor a bond in the penal sum of $5,000 with approved corporate surety, or with deposit of United States bonds as surety therefor, conditioned upon compliance with the terms of this lease, unless a bond in that amount is already being maintained or unless such a bond furnished by an operator of the lease is accepted. (4) Until a general lease bond is filed to furnish and maintain a bond in the penal sum of not less than $1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights. (5) In all other cases where a bond is not otherwise required, to furnish not less than 90 days before the due date of the next unpaid annual rental, a $1,000 bond conditioned on compliance with the lease obligations, but this requirement may be successively dispensed with by payment of each successive annual rental not less than 90 days prior to its due date.

(b) *Cooperative or unit plan.* Within 30 days of demand, or, if the leased land is committed to an approved unit plan and such plan is terminated prior to the expiration of this lease, within 30 days of demand made thereafter, to subscribe to and to operate under such reasonable cooperative or unit plan for the development and operation of the area, field, or pool, or part thereof, embracing the lands included herein as the Secretary of the Interior may then determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States.

(c) *Wells.* (1) To drill and produce all wells necessary to protect the leased land from drainage by wells on lands not the property of the lessor; or lands of the United States leased at a lower royalty rate, or as to which the royalties and rentals are paid into different funds than are those of this lease; or in lieu of any part of such drilling and production, with the consent of the Director of the Geological Survey, to compensate the lessor in full each month for the estimated loss of royalty through drainage in the amount determined by said Director; (2) at the election of the lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, which is authorized and sanctioned by applicable law or by the Secretary of the Interior; and (3) promptly after due notice in writing to drill and produce such other wells as the Secretary of the Interior may reasonably require

in order that the leased premises may be properly and timely developed and produced in accordance with good operating practice.

(d) *Rentals and royalties.* (1) To pay the rentals and royalties in amount or value of production removed or sold from the leased lands as follows:

Rentals. To pay the lessor in advance an annual rental at the following rates:

(a) If the lands are wholly outside the known geological structure of a producing oil or gas field:

(1) For the first lease year, a rental of 50 cents per acre, or fraction thereof.

(2) For the second and third lease years, no rental.

(3) For the fourth and fifth years, 25 cents per acre, or fraction thereof.

(4) For the sixth and each succeeding year, 50 cents per acre, or fraction thereof.

(b) If the lands are wholly or partly within the geologic structure of a producing oil or gas field:

(1) Beginning with the first lease year after thirty days' notice that all or part of the land is included in such a structure and for each year thereafter, prior to a discovery of oil or gas on the lands leased, $1.00 per acre, or fraction thereof.

(2) On a lease committed to an approved cooperative or unit plan, which plan includes a well capable of producing oil or gas and contains a general provision for allocation of production, for the lands not within the participating area, an annual rental of 50 cents per acre or fraction thereof for the first and each succeeding lease year following discovery.

Minimum royalty. Commencing with the lease year beginning on or after discovery to pay the lessor in lieu of rental, a minimum royalty of $1.00 per acre or fraction thereof at the expiration of each lease year, or the difference between the actual royalty paid during the year if less than $1.00 per acre, and the prescribed minimum royalty of $1.00 per acre, provided that on unitized leases the minimum royalty shall be payable only on the participating acreage.

Royalty in production. To pay the lessor 12½ per cent royalty on the production removed or sold from the leased lands computed in accordance with the Oil and Gas Operating Regulations (30 CFR Pt. 221).

(2) It is expressly agreed that the Secretary of the Interior may establish reasonable minimum values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices, and to other relevant matters and, whenever appropriate, after notice and opportunity to be heard.

(3) When paid in value, such royalties on production shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced. When paid in amount of production, such royalty products shall be delivered in merchantable condition on the premises where produced without cost to lessor, unless otherwise agreed to by the parties hereto, at such times and in such tanks provided by the lessee as reasonably may be required by the lessor, but in no case shall the lessee be required to hold such royalty oil or other products in storage beyond the last day of the calendar month next following the calendar month in which produced nor be responsible or held liable for the loss or destruction of royalty oil or other products in storage from causes over which he has no control.

(4) Royalties shall be subject to reduction on the entire leasehold or on any portion thereof segregated for royalty purposes if the Secretary of the Interior finds that the lease cannot be successfully operated upon the royalties fixed herein, or that such action will encourage the greatest ultimate recovery of oil or gas or promote conservation or development.

(e) *Contracts for disposal of products.* To file with the Supervisor not later than 30 days after the effective date thereof any contract, or evidence of other arrangement, for the sale or disposal of oil, gas, natural gasoline, and other products of the leased land; provided, that nothing in any such contract or other arrangement shall be construed as modifying any of the provisions of this lease, including, but not limited to, provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the Oil and Gas Operating Regulations.

(f) *Statements, plats and reports.* At such times and in such form as the lessor may prescribe, to furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost; a plat showing development work and improvements on the leased lands and a report with respect to stockholders, investments, depreciation and costs.

(g) *Well records.* To keep a daily drilling record, a log, and complete information on all well surveys and tests in form acceptable to or prescribed by the lessor of all wells drilled on the leased lands, and an acceptable record of all subsurface investigations affecting said lands, and to furnish them, or copies thereof, to the lessor when required. All information obtained under this subsection, upon the request of lessee, shall not be open to inspection by the public until the expiration of the lease.

(h) *Inspection.* To keep open at all reasonable times for the inspection of any duly authorized officer of the Department, the leased premises and all wells, improvements, machinery, and fixtures thereon and all books, accounts, maps and records relative to operations and surveys or investigations on the leased lands or under the lease. All information obtained pursuant to any such inspection, upon the request of the lessee, shall not be open to inspection by the public until the expiration of the lease.

(i) *Payments.* Unless otherwise directed by the Secretary of the Interior, to make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, such payments to be tendered to the manager of the district land office in the district in which the lands are located or to the Director of the Bureau of Land Management if there is no district land office in the State in which the lands are located.

(j) *Diligence, prevention of waste, health and safety of workmen.* To exercise reasonable diligence in drilling and producing the wells herein provided for unless consent to suspend operations temporarily is granted by the lessor; to carry on all operations in accordance with approved methods and practice as provided in the Oil and Gas Operating Regulations, having due regard for the prevention of waste of oil or gas or damage to deposits or formations containing oil, gas, or water or to coal measures or other mineral deposits, for conservation of gas energy, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; to plug properly and effectively all wells drilled in accordance with the provisions of this lease or of any prior lease or permit upon which the right to this lease was predicated before abandoning the same; to carry out at expense of the lessee all reasonable orders of the lessor relative to the matters in this paragraph, and that on failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost: *Provided,* That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond lessee's control.

(k) *Taxes and wages, freedom of purchase.* To pay when due, all taxes lawfully, assessed and levied under the laws of the State or the United States upon improvements, oil and gas produced from the lands hereunder, or other rights, property, or assets of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(l) *Nondiscrimination.* Not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and to require an identical provision to be included in all subcontracts.

(m) *Assignment of oil and gas lease or interest therein.* As required by applicable law, to file within 90 days from the date of final execution any instrument of transfer made of this lease, or any interest therein, including assignments of record title, working or royalty interests, operating agreements and subleases for approval, such instrument to take effect upon the final approval by the Director, Bureau of Land Management, as of the first day of the lease month following the date of filing in the proper land office.

(n) *Pipe lines to purchase or convey at reasonable rates and without discrimination.* If owner, or operator, or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil or gas derived from lands under this lease, to accept and convey and, if a purchaser of such products, to purchase at reasonable rates and without discrimination the oil or gas of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing or selling oil, gas, natural gasoline, or other products under the provisions of the act, or under the provisions of the act of August 7, 1947 (61 Stat. 913, 30 U. S. C. sec. 351).

(o) *Lands patented with oil and gas deposits reserved to the United States.* To comply with all statutory requirements and regulations thereunder, if the lands embraced herein have been or shall hereafter be disposed of under the laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws reserving such oil or gas.

(p) *Reserved or segregated lands.* If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, to conduct operations thereunder in conformity with such requirements as may be made by the Director, Bureau of Land Management, for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

(q) *Overriding royalties.* Not to create overriding royalties in excess of five percent except as otherwise authorized by the Regulations.

(r) *Deliver premises in cases of forfeiture.* To deliver up to the lessor in good order and condition the land leased including all improvements which are necessary for the preservation of producing wells.

SECTION 3. The lessor expressly reserves:

(a) *Rights reserved—Easements and rights of way.* The right to permit for joint or several use easements or rights-of-way, including easements in tunnels upon, through or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing

the deposits described in the Act, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) *Disposition of surface.* The right to lease, sell, or otherwise dispose of the surface of any of the lands embraced within this lease which are owned by the United States under existing law or laws hereafter enacted, insofar as said surface is not necessary for the use of the lessee in the extraction and removal of the oil and gas therein.

(c) *Monopoly and fair prices.* Full power and authority to promulgate and enforce all orders necessary to insure the sale of the production of the leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) *Helium.* Pursuant to section 1 of the Act, and section 1 of the act of March 3, 1927 (44 Stat. 1387), as amended, the ownership and the right to extract helium from all gas produced under this lease, subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. In case the lessor elects to take the helium the lessee shall deliver all gas containing same, or portion thereof desired, to the lessor at any point on the leased premises in the manner required by the lessor, for the extraction of the helium in such plant or reduction works for that purpose as the lessor may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof. The lessee shall not suffer a diminution of value of the gas from which the helium has been extracted, or loss otherwise, for which he is not reasonably compensated, save for the value of the helium extracted. The lessor further reserves the right to erect, maintain, and operate any and all reduction works and other equipment necessary for the extraction of helium on the premises leased.

(e) *Taking of royalties.* All rights pursuant to section 36 of the Act, to take royalties in amount or in value of production.

(f) *Casing.* All rights pursuant to section 40 of the Act to purchase casing and lease or operate valuable water wells.

(g) *Fissionable materials.* Pursuant to the provisions of section 5 (b) (7) of the act of August 1, 1946 (60 Stat. 724, 760; 42 U. S. C. 1801, 1805), all uranium, thorium, and other materials determined to be peculiarly essential to the production of fissionable materials, contained in whatever concentration, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, making just compensation for any damage or injury occasioned thereby.

SECTION 4. *Drilling and producing restrictions.* It is covenanted and agreed that the rate of prospecting and developing and the quantity and rate of production from the lands covered by this lease shall be subject to control in the public interest by the Secretary of the Interior, and in the exercise of his judgment the Secretary may take into consideration, among other things, Federal laws, State laws, and regulations issued thereunder, or lawful agreements among operators regulating either drilling or production, or both. After unitization, the Secretary of the Interior, or any person, committee, or State or Federal officer or agency so authorized in the unit plan, may alter or modify from time to time, the rate of prospecting and development and the quantity and rate of production from the lands covered by this lease.

SECTION 5. *Surrender and termination of lease.* The lessee may surrender this lease or any legal subdivision thereof by filing in the proper land office a written relinquishment, in triplicate, which shall be effective as of the date of filing subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with the applicable lease terms and regulations.

SECTION 6. *Purchase of materials, etc., on termination of lease.* Upon the expiration of this lease, or the earlier termination thereof pursuant to the last preceding section, the lessee shall have the privilege at any time within a period of 90 days thereafter of removing from the premises all machinery, equipment, tools and materials other than improvements needed for producing wells. Any materials, tools, appliances, machinery, structures, and equipment, subject to removal as above provided, which are allowed to remain on the leased lands shall become the property of the lessor on expiration of the 90-day period or such extension thereof as may be granted because of adverse climatic conditions throughout said period, provided that the lessee shall remove any or all of such property where so directed by the lessor.

SECTION 7. *Proceedings in case of default.* If the lessee shall not comply with any of the provisions of the Act or the regulations thereunder or of the lease or make default in the performance or observance of any of the terms, covenants, and stipulations hereof and such default shall continue for a period of 30 days after service of written notice thereof by the lessor, this lease may be canceled by the Secretary of the Interior in accordance with section 31 of the Act, as amended, and all materials necessary for the preservation of producing wells shall thereupon become the property of the lessor, except that if said lease covers lands known to contain valuable deposits of oil or gas, the lease may be canceled only by judicial proceedings in the manner provided in section 31 of the Act; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SECTION 8. *Heirs and successors-in-interest.* It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SECTION 9. *Unlawful interest.* It is also further agreed that no member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes of the United States, and sections 431, 432, and 433, Title 18, United States Code, relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

INSTRUCTIONS

Title 18, U. S. C. sec. 1001 makes it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

A. GENERAL INSTRUCTIONS

This form is to be used in offering to lease non-competitively public domain lands or oil and gas deposits reserved to the United States in disposals of such lands for the purpose of drilling, mining, extracting, removing and disposing of oil and gas deposits, except helium gas. This form should not be used in offering to lease acquired lands.

This offer to lease must be prepared in quintuplicate and the original and all white copies filed in the proper district land office. If the land is in a state in which there is no district land office the offer to lease must be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C. This blue copy is to be retained by you for your files.

This offer to lease must be prepared on a typewriter or printed plainly in ink and signed in ink. If a typewriter is used one of the five copies submitted to the Bureau of Land Management should be the original. If additional space is needed in furnishing any of the required information it should be prepared on additional sheets, initialed and attached and made part of this offer to lease, such additional sheets to be attached to each copy of the form submitted. If the lease form submitted is defective as to description or if the remittance made is insufficient, the offer will be rejected and returned to the offeror. Offers to lease may be made by individuals 21 years of age or over who are citizens of the United States, and by corporations, partnerships or associations.

B. SPECIAL INSTRUCTIONS

(Fill in Items on Form No. 4-____)

Item 2. Total area of land requested should be shown in acres in space provided at bottom of Item 2. The lands requested should be by legal subdivisions, showing meridian, state, township, range, and section, and if unsurveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. Where possible the approximate legal subdivisions of unsurveyed lands should be stated.

Item 3. This space is not to be filled in. When lease is issued this space will contain the identification of the leased area and total acres. Where any of the area requested is not available for lease the rental offered for such lands will be returned. Where, however, the leased area is less than the acreage requested, because of conflicts with other offers to lease or applications, the priorities of the lessee with respect to the land in conflict will be fully protected. Lessee will be advised as soon as the final decision is reached on the conflicting area. The amount for rental submitted covering the land in conflict will be retained until final adjudication is made.

The issuance of this lease does not in any way prejudice your right of appeal as to the requested area not included in the lease.

Item 4. The total amount submitted should include a $10 filing fee and the first year's rental of the land requested at the rate of 50 cents an acre or fraction thereof. The $10 filing fee is retained as a service charge, even in those cases where the offer to lease is completely rejected. In order to protect your priorities with respect to the land requested it is important that the rental payment be sufficient to cover all the land requested at the rate of 50 cents an acre or fraction thereof. Where, at the time the lease is issued, the land applied for is within a known geologic structure of a producing oil or gas field, the lessee will be billed for the additional rental of 50 cents an acre as the yearly rental on such lands is $1 per acre.

Item 5. Lessee will indicate whether a citizen by birth or naturalization. If naturalized, give date of naturalization, the court in which naturalized, and the certificate number if known. If lessee is a woman, state whether married or single, and if married, the date of marriage and the same facts as to the citizenship of her husband.

If lessee is a corporation it must show it is qualified with respect to the citizenship provision by filing a copy of its articles of in-

corporation, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be or who the corporation has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 percent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. If any appreciable percentage of the stock of the corporation is held by aliens of the excepted class, its application will be denied. If 20 percent or more of the stock of any class is owned or controlled by or on behalf of any one stockholder, a separate showing of his citizenship and holdings must be furnished. If a certificate of incorporation has been filed, a reference to the previous case, together with a statement of any subsequent amendments will be sufficient. A single copy of any additional information required by the provisions of this paragraph will be sufficient.

Item 5b. If lessee has no other interests direct or indirect in other public domain oil and gas leases or offers to lease, applications and operating agreements, write "none." If lessee has other interests, give total chargeable acreage of such interests and serial numbers. Acreage included in unit plans and certain sec. 19 leases is not chargeable.

Item 5e. Whenever applicable, the stipulations referred to will be made a part of this lease and will be furnished the lessee with the lease when issued. The forms covering them with a brief description are as follows: 4–216 stipulations for lands in national forests; 4–467 lands potentially irrigable; 4–467a lands within the flow limits of a reservoir site; 4–467b lands within the drainage area of a constructed reservoir. Whenever other stipulations are necessary, lessee will be required to agree to them before the issuance of the lease.

Item 5f. If lessee is a corporation, an offer to lease will be accepted if accompanied either by the minutes of the meeting of the board of directors, or a copy of the bylaws indicating the officer signing the offer to lease has authority to do so, or by a certificate of the secretary or the assistant secretary of the corporation to that effect. A certificate of the secretary of state, where the land is located, that the corporation is qualified to do business, or a reference to the previous case in which such a statement was filed, should accompany this offer. A single copy of any additional information required by the provisions of this paragraph will be sufficient.

Item 5g. If there are settlers, attach a sheet giving the name and post office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivision.

Corporate Seal. If lessee is a corporation, the corporate seal must be affixed opposite the lessee's signature.

1. Section 192.42 is amended to read as follows:

§ 192.42 *Offer to lease, and issuance of lease.* (a) A person desiring to obtain a noncompetitive lease must make an offer to lease such lands on Form 4–____, "Offer and Lease Form." This form will also constitute the lease, when signed by the manager of the land and survey office. Such forms, including Form 4–____ *a*, which contains instructions for filling out the offer, may be obtained from any land and survey office. Five copies of Form 4–____ for each offer to lease shall be filed in the proper land office, or for lands or deposits in States in which there is no land office, with the Director of the Bureau of Land Management, Washington 25, D. C. Each offer may not exceed 2560 acres (except where the rule of approximation applies).

The offer must be accompanied by the filing fee of $10.00 (43 CFR 191.11) and by the full rental payment for the first year for the total acreage in the offer. If the exact acreage is not known, then the advance rental payment shall be figured on the basis of 40 acres for each smallest legal subdivision covered by the description. If the land is unsurveyed, the rental payment shall be for the exact acreage, if ascertainable, or not less than the amount required on the basis of 40 acres for each smallest legal subdivision of the future survey of such lands.

Forms 4–____ and 4–____ *a* may be printed or reproduced and used in lieu of the official reproductions, provided such copies are an exact reproduction, including size of page, of the official approved form in current use; and are without additions, omissions, or other changes or advertising, except that each copy of Form 4–____ shall include the following statement above the signature of the offeror: "This form is submitted in lieu of official Form 4–____ and contains all the provisions thereof as of the date of the filing of this offer." In addition, the name and address of the printer or other party issuing unofficial reproductions of these forms, shall be printed thereon.

Any offer to lease which does not contain a proper description of the lands or is not accompanied by the required full payment of filing fee and rental shall establish no priority of filing and will be rejected and returned to the offeror for the proper description or payment. Where any information or statements required by Form 4–____ are already on file with the manager of the land and survey office where the offer to lease is being filed, or with the Director, Bureau of Land Management, if the offer to lease is to be filed with him, then such showing may, to that extent, be made by appropriate reference to the information or statements already on file. When the form filed shows by its date of edition that it is not the current one but is the one immediately preceding, the offer, if filed within 30 days after the effective date of the current edition, will establish priority of filing, subject to the offeror refiling on the proper form within 15 days after notice to do so.

Each offeror shall make an offer only in his own behalf and not as attorney in fact for any other person. Proof of the authority of the officer who makes an offer in behalf of a corporation must be furnished; and the corporate seal must be affixed to the offer. An offer from a person under 21 years of age will be rejected.

(b) The United States will indicate its acceptance of the lease offer, in whole or in part, and the issuance of the lease by the signature of the appropriate officer thereof in the space provided. An executed copy of the lease will be mailed to the offeror at the address of record.

2. Section 192.44 *Form of lease* is revoked.

(41 Stat. 450, 30 U. S. C. 189)

[F. R. Doc. 49–8587; Filed, Oct. 25, 1949; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

PROPOSED EXEMPTION OF STERILE CULTURES OF ORCHID SEEDLINGS FROM PERMIT REQUIREMENTS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by the first proviso of the nursery stock, plant and seed quarantine (7 CFR 319.37), is considering the issuance of the following administrative instructions:

§ 319.37a *Administrative instructions exempting sterile cultures of orchid seedlings in glass containers from some of the requirements of nursery stock, plant, and seed quarantine regulations.* Sterile cultures of orchid seedlings in glass containers may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37–2.

These instructions would exempt sterile cultures of orchid seedlings in glass containers from the permit requirements of the regulations supplemental to nursery stock, plant, and seed quarantine No. 37 (7 CFR 319.37–1 through 319.37–25). Such seedlings are considered innocuous as carriers of dangerous insects and plant diseases, and it is believed that no hazard of insect or plant disease spread would be involved were their entry allowed without prior issuance of an import permit. They would still be subject to inspection upon arrival, and subsequent treatment if deemed necessary.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159; 7 CFR 319.37)

Done at Washington, D. C., this 12th day of October 1949.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 49–8549; Filed, Oct. 25, 1949; 8:47 a. m.]

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-208]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Mayflower Hotel, Parlor E, 259 S. Main Street, Akron, Ohio, beginning at 10:00 a. m., e. s. t., November 14, 1949.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order regulating the handling of milk in the Akron, Ohio, marketing area, the provisions of which are hereinafter set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modification thereof. The provisions of the proposals for a marketing agreement and order heretofore filed with the undersigned, are as follows:

Marketing Agreement and Order Proposed by the Akron Milk Producers, Inc., Akron, Ohio:

SECTION I. *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Akron, Ohio, marketing area", means all territory, including but not being limited to all municipal corporations, within: Summit County, except the territory north of the northern limits of Richfield, Boston and Hudson townships; Portage County, including the Incorporated Village of Garretsville; Lake Township in Stark County; and Chippewa Township and the corporate limits of Rittman in Wayne County, all in the State of Ohio.

(d) "Handler" means any person who: (1) Operates a fluid milk plant; (2) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, flavored milk, or flavored milk drinks on a route within the marketing area.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Producer" means any person with respect to milk produced by him, which milk is moved directly from his farm to a fluid milk plant and having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community.

(g) "Producer-handler" means any person who produces milk but receives no milk from dairy farmers and operates a route extending into the marketing area.

(h) "Fluid milk plant" means a bottling plant located inside the marketing area and out of which a route is operated, except a bottling plant operated by a producer-handler; or located outside the marketing area with 50 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, buttermilk, flavored milk, and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

(i) "Other source milk" means all skim milk and butterfat not received from a producer or from a fluid milk plant, but; (1) contained in milk, skim milk, or cream; (2) used to produce any milk product.

(j) "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s).

(k) "Department of Agriculture" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions necessary to carry out the terms and conditions of this proposed agreement.

SEC. II. *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer all of the terms and provisions hereof;

(2) Make rules and regulations to effectuate the terms and provisions hereof; and

(3) Receive, investigate, and report to the Secretary complaints of violations hereof.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by section VIII (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under the Marketing Services provisions, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(5) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports or payments pursuant to provisions of this proposed order;

(6) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(7) On or before the 25th day of each month, supply each association of producers with a record of the amount of milk received by handlers during the preceding month, from each producer who is verified by the market administrator as being a member of such association;

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for the month as follows: (i) On or before the 5th day after the end of each month, the minimum class prices for skim milk and butterfat computed according to this proposed order; and (ii) on or before the 10th day after the end of each month the uniform price computed and the butterfat differential computed according to this proposed order.

SEC. III. *Reports, records, and facilities*—(a) *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except as otherwise provided in paragraph (b) (1) of this section, shall report to the market administrator for such month, with respect to all producer milk and other source milk received during that month, in the detail and on forms prescribed by the market administrator; (1) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received from other handlers or other sources), (2) the utilization thereof, and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 18th day after the end of each month, each handler shall submit to the market administrator such handler's producer pay roll for the preceding month, which shall show, (i) the total pounds of milk received from each producer and association of producers and the percentage of butterfat contained in such milk, (ii) the amount and date of payment to each producer and association of producers, and (iii) the nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to; (1) the utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; (2) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers or to associations of producers.

(d) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. IV. *Classification*—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources by each handler shall be classified separately (as skim milk or butterfat) pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes of utilization:

(1) Class I milk shall be all skim milk and butterfat:

(i) Disposed of in fluid form as milk; skim milk or buttermilk; flavored milk or flavored milk drink;

(ii) Accounted for as any item not listed under Class II milk, or Class III milk; or

(iii) Such shrinkage on milk received from producers which is in excess of 2 percent of such receipts.

(2) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream, cottage cheese, or any mixture of cream and milk, including eggnog, containing more than 6 percent of butterfat.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products; or storage cream; or used to produce butter; butter oil; cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; and skim milk or butterfat having been dumped or disposed of for livestock feed;

(ii) In actual shrinkage of milk received from producers, but not in excess of 2 percent of such receipts;

(iii) In actual shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be classified as Class I milk, unless (1) utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the month within which such disposition was made, and (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That in no event shall the amount so reported be greater than the total amount so used by the receiver.

(f) *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(i) Subtract plant shrinkage of skim milk pursuant to paragraph (b) (3) (ii) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract from the pounds of skim milk in Class I milk, the pounds, if any, by which the skim milk in milk received from producers is less than 110% of the pounds of skim milk in such handlers' milk classified as Class I milk, not including such Class I milk transferred to other fluid milk plants;

(iii) Subtract from the pounds of skim milk in other source milk, the pounds deducted pursuant to subdivision (ii) of this subparagraph;

(iv) Subtract from the pounds of skim milk in Class II milk, the pounds, if any, by which the skim milk in milk received from producers which is classified as Class II milk is less than 100% of the pounds of skim milk in such handlers' milk classified as Class II milk;

(v) Subtract from the pounds of skim milk in other source milk, the pounds deducted pursuant to subdivision (iv) of this subparagraph;

(vi) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk after making the deductions pursuant to subdivisions (iii) and (v) of this subparagraph.

(vii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (e) of this section;

(viii) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

SEC. V. *Minimum prices*—(a) *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price (pursuant to subparagraph (7) of this para-

graph), shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight resulting from the following formula:

(i) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the month;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to subdivisions (i) and (ii) of this subparagraph;

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the month, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(b) *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

May and June	$1.05
March, April, July and August	1.20
All others	1.35

(2) Add together the amounts determined in subparagraph (3) (i) and (ii) of this paragraph and divide the sum into the amount determined in subparagraph (3) (i) of such paragraph.

(3) Multiply the price determined in subparagraph (1) of this paragraph by the percent determined in subparagraph (2) of this paragraph and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(4) From the price determined in subparagraph (1) of this paragraph subtract the amount computed in subparagraph (3) of this paragraph times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers during the delivery period, which is classified as Class II milk shall be as follows as computed by the market administrator:

(1) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (a) (3) (i) of this section multiplied by 140.

(2) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, for skim milk and butterfat in milk received from producers, which is classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to section IV (b) (3) (ii) shall be such price less $4.50.

(2) The price per hundredweight of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, spray and roller process, delivered at Chicago, for the month, less 5.5 cents, and then multiply by 8.5.

SEC. VI. *Determination of uniform price to producers*—(a) *Value of producer milk.* The value of producer milk received by each handler, who operates a fluid milk plant during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator; *Provided*, That if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to section (IV) (g) (iv) by the applicable class price.

(b) (1) *Computation of obligation to the producer-settlement fund for certain handlers.* For each month the obligation to the producer-settlement fund for each handler (except a producer-handler and a fluid milk plant handler) who operates a plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and buttterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

(2) For each month, the obligation to the producer-settlement fund for each fluid milk plant that receives less than 25% of its total receipts of skim milk and butterfat from producers or other fluid milk plants within such month shall be computed by the market administrator by multiplying by the difference between the respective prices for skim milk and butterfat in Class I milk and Class III milk, the amount of its receipts other than from producers and fluid milk plants which are Class I milk at the receiving fluid milk plant.

(c) *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers by:

(1) Combining into one total the pool values computed under (a) of this section for all handlers who reported pursuant to section III (a) for such month, except those in default in payments required pursuant to section VIII (d) for the preceding month;

(2) Adding an amount representing the monies received in payment of obligations computed under paragraph (b) of this section;

(3) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(5) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under subparagraph (1) of this paragraph

is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to section VII (b) multiplied by 10;

(6) Dividing by the hundredweight of milk received from producers represented by the values included in subparagraph (1) of this paragraph; and

(7) Subtracting not less than 4 cents nor more than 5 cents.

(d) *Notification.* The Market Administrator shall notify:

(1) On or before the 10th day after the end of each month, each handler who operates a fluid milk plant:

(i) The amounts and pool values of his skim milk and butterfat in each class and the totals of such amounts and values;

(ii) The uniform price;

(iii) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(iv) The totals of the minimum amounts to be paid by such handler pursuant to sections VII, VIII, IX and X.

(2) On or before the 10th day after the end of each month each handler described in section I (d) (2) of:

(i) The pounds of his skim milk and butterfat in milk, skim milk, buttermilk, flavored milk, and flavored milk drink subject to the provisions of paragraph (b) of this section; and

(ii) The amount due the producer-settlement fund from each such handler.

SEC. VII. *Payment for milk.* Time and method of final payment:

(a) On or before the 15th day after the end of each month each handler shall pay to each producer or to a cooperative association (upon request in writing by such association) with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from each producer or from a cooperative association, respectively, during such month at not less than the uniform price adjusted by the butterfat differential pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (e) of this section, he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Divide the price per hundredweight of butterfat in Class III milk, computed pursuant to section V (e) (1) prior to the application of the proviso therein, by 1,000.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to paragraph (d) of this section and out of which he shall make all payments pursuant to paragraph (e) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler;

(1) Whose pool value is required to be computed pursuant to section VI (a) shall pay to the market administrator the amount by which such pool value for such month is greater than the total minimum amount required to be paid by him pursuant to paragraph (a) of this section; and

(2) Whose obligation is required to be computed pursuant to section VI (b) shall pay to the market administrator such obligation for such month.

(e) *Payment out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount by which such handler's pool value is less than the total minimum amount required to be paid by him, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section and sections VII, IX and X: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

SEC. VIII. *Expense of administration.* As his pro rata share of the expense incurred pursuant to section II (c) (3), each handler shall pay the market administrator on or before the 12th day after the end of each month, 3 cents per hundredweight, or such amount not to exceed 3 cents, as the Secretary may from time to time prescribe, with respect to all receipts within the month, of milk from producers at fluid milk plants (including such handler's own production) and of other source milk at fluid milk plants classified as Class I milk.

SEC. IX. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to section VI (a) with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight of milk, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, and on or before the 12th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to section VI (a) as may be authorized by the membership agreement or by-laws of such cooperative association, and pay such deductions on or before the 14th day after the end of such month to the cooperative association rendering such services of which such producers are members.

SEC. X. *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to section VII, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

SEC. XI. *Application of provisions.* Exempt milk:

Milk received at a plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof, except that for any delivery period for which the Class I milk price determined pursuant to section V (b) (1) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund, with respect to all skim milk and butterfat disposed of in the marketing area during the delivery period as Class I milk an amount computed as follows: From the total value of such Class I milk as determined by this order subtract the total value of such Class I milk as provided by such other order and except the obligation incurred pursuant to section VI (b).

SEC. XII. *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall

continue in force until suspended or terminated.

SEC. XIII. *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

SEC. XIV. *Suspension or termination*—(a) *When suspended or terminated.* Whenever the Secretary finds this order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

SEC. XI. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. XVI. *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Proposed by the Stark County Milk Producers' Association, Inc., and the Stark County Dairy Products Association:

"Akron, Ohio, marketing area," means all territory, including but not being limited to all municipal corporations, within: Summit County, except the territory north of the northern limits of Richfield, Boston and Hudson Townships, and the southern parts of Franklin and Green Townships known as Sections 30 to 36, inclusive, in each Township; Portage County, except the southern part of Suffield and Randolph Townships beginning from a point at the northwest corner of Lot known as #48 in Suffield Township and extending east in a straight line to the northeast corner of Lot known as #51 in Randolph Township, the Townships of Edinburg, Atwater, Palmyra and Deerfield; and Chippewa Township and the corporate limits of Rittman in Wayne County, all in the State of Ohio."

Proposed by the Isaly Dairy Company, Youngstown, Ohio:

Section I (c). "Akron, Ohio, marketing area" means all territory, including but not being limited to all municipal corporations, within: Summit County, except the territory north of the northern limits of Richfield, Boston and Hudson Townships; Portage County, except the Townships of Windham, Paris, Palmyra and Deerfield, but including the incorporated village of Garretsville; Lake Township in Stark County; and Chippewa Township and the corporate limits of Rittman in Wayne County, all in the State of Ohio."

Proposed by North Canton Dairies, Inc.:

Section I (c). "Akron, Ohio, marketing area" means all territory, including but not being limited to all municipal corporations, within: Summit County, except the territory north of the northern limits of Richfield, Boston and Hudson Townships and Franklin and Green Townships; Portage County, except the southern part of Suffield and Randolph Townships beginning from a point at the northwest corner of Lot known as #48 in Suffield Township and extending east in a straight line to the northeast corner of Lot known as #51 in Randolph Township; the Townships of Edinburg, Atwater, Palmyra and Deerfield; and Chippewa Township and the corporate limits of Rittman in Wayne County, all in the State of Ohio."

Proposed by the Akron Milk Market Survey Committee:

a. In section I, *Definitions:*

1. Amend by striking out (c) and substituting in lieu thereof, the following:

(c) "Akron, Ohio, marketing area" means all territory, including but not being limited to all municipal corporations within: Summit County; Portage County including the incorporated village of Garrettsville; the township of Lake in Stark County; the townships of Milton, Green, Baughman, Chippewa and Canaan in Wayne County; the township of Newton in Trumbull County; the township of Milton in Mahoning County; the townships of Hinckley, Granger, Sharon, Wadsworth and Guilford in Medina County, all in the State of Ohio."

2. Amend by striking out (d) and substituting in lieu thereof, the following:

(d) "Handler" means any person who (1) operates a fluid milk plant; or (2) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, flavored milk, or flavored milk drinks on a route within the marketing area.

3. Amend by striking out (f) and substituting in lieu thereof, the following:

(f) "Producer" means any person with respect to milk produced by him having the approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to: (1) A fluid milk plant; or (2) to a plant (not defined as a fluid milk plant under this order) for the account of a fluid milk plant by diversion from such fluid milk plant. Milk so diverted shall be deemed to have been received by the fluid milk plant for whose account it was diverted; or (3) to a fluid milk plant for the account of another fluid milk plant by diversion from a fluid

milk plant. Milk so diverted shall be deemed to have been received by the fluid milk plant for whose account it was diverted.

4. Amend by striking out (g) and substituting in lieu thereof, the following:

(g) "Producer-handler" means any person who (i) produces milk; (ii) handles only milk produced by him; (iii) receives no milk from other dairy farmers; and (iv) operates a route(s) within or extending into the marketing area.

5. Amend by striking out (h) and substituting in lieu thereof, the following:

(h) "Fluid milk plant" means any of the following plants except a bottling plant operated by a producer-handler; (1) a bottling plant which is located inside the marketing area, and out of which a route is operated, or (2) a bottling plant which is located outside the marketing area with 25 percent or more of the aggregate weight of the skim milk and butterfat contained in its total route disposition of milk, skim milk, flavored milk and flavored milk drink in fluid form on routes operated wholly or partially within the marketing area.

6. Amend by striking out (k) and substituting in lieu thereof, the following:

(k) "Route" means a sale or delivery (including a sale from a plant or a plant store) of milk, skim milk, flavored milk, or flavored milk drink in fluid form, to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

b. In section II, *Market administrator:*

7. Amend (b) by adding a subparagraph (4) to read as follows:

(4) To recommend amendments to the Secretary.

8. Amend by striking out (c) (1) and substituting in lieu thereof, the following:

(1) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the secretary; and obtain a bond in a reasonable amount and with responsible surety thereon covering each employee who handles funds entrusted to the market administrator.

9. Amend by striking out (c) (7) and substituting in lieu thereof, the following:

(7) On or before the 25th day of each month, supply each association of producers (not a handler) with a record of the amount of milk received by handlers during the preceding month from each producer who is verified by the market administrator as being a member of such association;

10. Amend by striking out (c) (9) and substituting in lieu thereof, the following:

(9) Publicly announce, by posting in a conspicuous place in his office, by mailing to all handlers, and by such other means as he deems appropriate, the prices determined for the month as follows: (i) On or before the 6th day after the end of each month, the minimum class prices for skim milk and butterfat computed according to this proposed order; and (ii) on or before the 14th day after the end of each month the uniform price computed and the butterfat differential computed according to the proposed order.

11. Amend (c) by adding a paragraph (10) to read as follows:

(10) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

c. In section III, *Reports, records, and facilities:*

12. Amend paragraph (a) by changing the date contained therein from the 5th to the 8th.

13. Amend by striking out (b) (1) and substituting in lieu thereof, the following:

(1) Each producer-handler shall make regular monthly reports of his production, receipts, and disposition of milk and milk products to the market administrator.

14. Amend by striking out (b) (2) and substituting in lieu thereof the following:

(2) On or before the 25th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer pay roll for the month, which shall show (i) the pounds of milk, and the percentage of butterfat contained therein, received from each producer; (ii) the amount and date of payment to each producer (or to a cooperative association not a handler); and (iii) the nature and amount of each deduction or charge involved in the payment referred to in subdivision (ii) of this subparagraph.

15. Amend by striking out (c) and inserting in lieu thereof, the following:

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of his plants which are not fluid milk plants, in which any producer milk is received, which are necessary to verify or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; (2) the weights, samples, and tests for butterfat and other contents of all milk and milk products handled; and (3) payments to producers.

d. In section IV, *Classification:*

16. Amend by striking out (b) (1) (i) and inserting in lieu thereof, the following:

(i) Disposed of in fluid form as milk, skim milk, flavored milk, or flavored milk drink;

17. Amend by striking out (b) (2) and inserting in lieu thereof, the following:

(2) Class II milk shall be all skim milk and butterfat used to produce sweet or sour cream, eggnog, or any other mixture of cream and milk containing more than 6 percent of butterfat, and buttermilk.

18. Amend by striking out (b) (3) and inserting in lieu thereof, the following:

(3) Class II milk shall be all skim milk and butterfat (i) used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products; or storage cream; or used to produce butter; butter oil; cheese; cottage cheese; bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; nonfat dry milk solids; dry whole milk, condensed or dry buttermilk; whey; and skim milk or buttermilk having been dumped or disposed of for livestock feed; (ii) in actual shrinkage of milk received from producers, but not in excess of 2 percent of such receipts.

19. Amend by striking out (c) (2) and inserting in lieu thereof, the following:

(2) Prorate the total shrinkage of skim milk and butterfat respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers: *Provided*, That milk of producers transferred by a handler to another handler and received at the latter plant, without first having been received for purposes of weighing and testing in the transferring handler's plant, shall be included in the receipts at such plant of the second handler for the purpose of computing his plant shrinkage and shall be excluded from the receipts of the plant of the transferring handler in computing his plant shrinkage.

20. Amend by striking out (d) (2) and inserting in lieu thereof, the following:

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class: *Provided*, That the price applicable to such reclassified skim milk or butterfat shall be the class prices prevailing during the month when such skim milk or butterfat was placed in storage.

21. Amend by striking out (e) and inserting in lieu thereof, the following:

(e) *Transfers.* Skim milk or butterfat transferred in fluid form as milk, skim milk, flavored milk or flavored milk drink, by a handler to any processing or milk manufacturing plant, including any other fluid milk plant, shall be classified as Class I milk, unless (1) utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the month within which such disposition was made, and (2) the re-

ceiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That in no event shall the amount so reported be greater than the total amount so used by the receiver.

22. Amend by striking out (f) and inserting in lieu thereof the following:

(f) *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors (which errors shall be reported to the handler by the 10th day of the month following the month for which the report was filed) the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

23. Amend by striking out (a) (3) (i) and inserting in lieu thereof, the following:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the month, subtract 5.5 cents, add 20% thereof, and then multiply by 3.5; and

24. Amend by striking out (b) and inserting in lieu thereof, the following:

(b) *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. the marketing area, for skim milk and butterfat in milk received from producer or from a cooperative association during each month, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(1) Add to the basic formula price the following amount for the month indicated: May and June, 70 cents; September, October, November, December, January and February, $1.00; and all others, 85 cents;

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20.

(3) The price of skim milk shall be computed by:

(i) Multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035;

(ii) Subtracting such amount from the amount obtained in subparagraph (1) of this paragraph;

(iii) Dividing such net amount by 0.965; and

(iv) Rounding off to the nearest whole cent.

25. Amend by striking out (c) and inserting in lieu thereof, the following:

(c) *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers during the month, which is classified as Class II milk, shall be as follows as computed by the market administrator:

(1) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (a) (3) (i) of this section multiplied by 125.

(2) The price per hundredweight of skim milk shall be the average carlot price per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the month by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

26. Amend by striking out (d) and inserting in lieu thereof, the following:

(d) *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers, or from a cooperative association, which is classified as Class III milk shall be as follows, as computed by the market administrator:

(1) The price per hundredweight of butterfat shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for each month, multiplied by 120: *Provided*, That the price per hundredweight of butterfat used to produce butter or contained in shrinkage pursuant to section IV (b) (3) (ii) shall be such price less $6.60.

(2) The price per hundredweight of skim milk shall be the average carlot price per pound of roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the month by the Department of Agriculture, less 5.5 cents, multiplied by 8.5: *Provided*, That the price of skim milk having been dumped or disposed of for livestock feed, shall be one-half of the price computed pursuant to this subparagraph.

e. In section VI, *Determination of uniform price to producers:*

27. Amend by striking out (b) and inserting in lieu thereof, the following:

(b) *Computation of obligation to the producer-settlement fund for certain handlers.* For each month the obligation to the producer-settlement fund for each handler (except a producer-handler and a fluid milk plant handler) who operates a plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, flavored milk, or flavored milk drink within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

28. Amend paragraph (d) (1) by changing the date contained therein from the 10th to the 14th.

29. Amend paragraph (d) (2) by changing the date contained therein from the 10th to the 14th.

30. Amend by striking out (d) (2) (i) and inserting in lieu thereof, the following:

(i) The pounds of his skim milk and butterfat in milk, skim milk, flavored milk, and flavored milk drink subject to the provisions of paragraph (b) of this section; and

f. In section VII, *Payment for milk:*

31. Amend the caption of section VII and insert in lieu thereof, the following:

SEC. VII. *Payment for milk.* Time and method of payment.

32. Amend paragraph (a) by changing the date contained therein from the 15th to the 20th.

33. Amend paragraph (d) by changing the date contained therein from the 12th to the 16th.

34. Amend paragraph (e) by changing the date contained therein from the 14th to the 18th.

g. In section VIII, *Expense of administration:*

35. Amend by striking out section VIII and inserting in lieu thereof, the following:

SEC. VIII. *Expense of administration.* As his prorate share of the expense incurred pursuant to section II (c) (3), each handler shall pay the market administrator on or before the 16th day after the end of each month, 3 cents per hundredweight, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to all receipts within the month, of milk from producers at fluid milk plants (including such handler's own production) and of other source milk at fluid milk plants classified as Class I milk; provided, that such payment shall not be made with respect to any milk subject to the payment required under the provision for expense of administration of any other federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

h. In section IX, *Marketing services:*

36. Amend paragraph (a) by changing the date contained therein from the 12th to the 16th.

37. Amend paragraph (b) by changing the date contained therein from the 14th to the 16th.

Proposed by Fred S. Harter:

Each year, during the four months of April, May, June and July, the pool will accept only a sufficient number of pounds of milk to supply the market with its Class I and Class II sales, plus a number of pounds of Class III, not to exceed 10% of the pounds needed for Class I and Class II. Any producer who ships a greater number of pounds of milk than the number of pounds established as his proportionate share of pool milk, during any of these four months, shall receive for that milk shipped in excess of his share of the pool milk, the Class III price. His proportionate share of the pool shall be determined by averaging his daily shipments for the period beginning on the next previous September 1, and ending with December 31, and this figure shall be adjusted up or down, as the case may be, by the same percentage figure that would be necessary to adjust the total of all producer's daily averages, in order to have the total equal the number of pounds of milk contained in the pool during each of the months of April, May, June and July.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect may be procured from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 21, 1949.

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-8577; Filed, Oct. 25, 1949; 8:55 a. m.]

[7 CFR, Part 53]

U. S. STANDARDS FOR CERTAIN CARCASS BEEF

FURTHER EXTENSION OF TIME FOR FILING COMMENTS ON PROPOSED AMENDMENT

On August 12, 1949, pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), there was published in the FEDERAL REGISTER (14 F. R. 4984), a notice of a proposed amendment of the official United States standards for the Commercial grade of carcass beef (steer, heifer and cow) (7 CFR 53.104 (d)) under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (7 U. S. C. Supp. 414). It was proposed to divide said grade into two new grades designated as Regular and Commercial with specifications therefor as set forth in the notice. The notice provided a 15-day period, within which interested persons could submit written data, views, or arguments to the Director of the Livestock Branch concerning the proposed amendment. On September 17, 1949, notice was published in the FEDERAL REGISTER (14 F. R. 5723) of the extension of such period through November 1, 1949.

Considerable interest has been shown concerning the proposed amendment of the standards and numerous comments thereon have been received from interested persons. It is now deemed desirable to extend until further notice the time for filing such comments in order to afford an additional opportunity for interested persons to submit their views and to permit further consideration of the factors involved in such amendment. Therefore until further notice any interested person who wishes to do so may file written data, views or arguments relating to the proposed amendment with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C. this 20th day of October 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-8551; Filed, Oct. 25, 1949; 8:47 a. m.]

[7 CFR, Part 930]

NOTICE OF HEARING ON HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held at Y. M. C. A., 1110 Jefferson Avenue, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., October 31, 1949, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area (7 CFR, 930.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by the Northwestern Cooperative Sales Association, Inc. of Toledo:

Proposal No. 1: Add to § 930.2 (c) the following:

(10) Upon request, supply on or before the 10th day after the end of each delivery period to each cooperative association not a handler with respect to each producer whose membership in such cooperative association has been verified by the market administrator, the amounts of milk received, the average butterfat tests thereof, the amounts of authorized deductions and such other necessary information as will carry out the provisions and intent of § 930.7.

Proposal No. 2: Delete § 930.3 (b) (2).

Proposal No. 3: Delete § 930.7 (a) and (b) and substitute therefor the following:

(a) *Time and method of final payment.* (1) On or before the 13th day after the end of each delivery period, each handler shall pay a cooperative association not a handler with respect to milk of producers for which it has received written authorization to collect payment a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to subparagraph (2) of this paragraph.

(2) On or before the 15th day after the end of each delivery period, each handler shall pay each producer (other than those included in subparagraph (1) of this paragraph) for milk received from him during such delivery period, at not less than the uniform price for such handler adjusted to the butterfat differential pursuant to paragraph (c) of this section, less the amount of payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* (1) On or before the last day of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts, computed at not less than the uniform price for such handler for the preceding delivery period, and otherwise payable to such producers, pursuant to subparagraph (2) of this paragraph.

(2) On or before the last day of each delivery period each handler shall pay to each producer (other than those included in subparagraph (1) of this paragraph) for milk received from such producer during the first (15) days of the delivery period at not less than fifty cents (50¢) under the uniform price for such handler for the preceding delivery period. *Provided,* That in the event a producer discontinues shipping to the market during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made pursuant to the provisions of paragraph (a) of this section.

Proposal No. 4: Add to § 930.9 the following:

(c) Upon request the market administrator is authorized to report to any cooperative association qualifying under paragraph (b) of this section the amount of butterfat shortage or overage on member milk found in any handler's plant covered by the order, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage relationship which total receipts of butterfat in member milk bears to the total receipts in each plant.

Proposal No. 5: Delete § 930.5 (a) (1) and substitute therefor the following:

(1) *Class I milk price.* To the basis formula price add the following amounts for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
July, March and April	.95
All others	1.05

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1353, South Building, Washington 25, D C., or may be there inspected.

Dated: October 21, 1949.

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-8578; Filed, Oct. 25, 1949; 8:55 a. m.]

[7 CFR, Part 977]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Paducah, Kentucky, on July 6 and 7, 1949, both dates inclusive, pursuant to a notice issued on June 24, 1949 (14 F. R. 3559).

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on September 28, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exception thereto was published in the FEDERAL REGISTER October 4, 1949 (14 F. R. 6046). No exceptions to the recommended decision were filed.

The material issues presented on the record were whether:

1. The pricing provisions of the order should be revised to provide greater seasonality in the pricing of Class I milk and a supply-demand adjustment in the event of excessive or insufficient supply.

2. The classification provisions should be revised to permit under certain conditions the classification as Class II of dumped milk, skim milk, or cream.

3. The administrative assessment provision should be revised to reduce the maximum assessment rate and to exclude from assessment other source milk subject to an administrative assessment charge under another order.

4. Sour cream utilized in the manufacture of butter should be specially excluded from the reporting, accounting, and assessment provisions of the order.

5. A limitation should be placed on the time handlers are required to retain books and records required to be made available to the market administrator and on continuing obligations under the terms of the order.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The present pricing provisions of the order should be revised to provide greater seasonality in Class I prices through the medium of differentials of $1.50, $0.90, and $0.50 for the delivery periods of August through December, January through March, and April through July, respectively. The present pricing provisions specify differentials of $1.05 for the delivery periods of August through December, $0.85 for the delivery periods of July and January through March, and $0.65 for the delivery periods of April through June. Producers proposed that the present schedule of differentials be revised to provide greater seasonal variation in pricing in order to encourage a greater production of milk during the fall and winter seasons.

Producer receipts for the 5-month period of January through May 1949 were 32 percent greater than during the same period a year earlier whereas Class I sales increased only 13 percent. This increase in producer receipts is primarily the result of the 40 percent increase in the number of producers which has occurred since the order became effective in January 1948. Notwithstanding, producer receipts during the 12-month period preceding June 1949 totaled only 87 percent of the Class I sales and exceeded such sales in only the peak production months. Production per farm during the flush months is as much as 80 percent greater than during the short months. Hence, while receipts during May were almost 23 percent in excess of Class I sales, receipts during the period from November 1948 through February 1949 were only 64 percent of Class I sales. It is believed that the recommended schedule of differentials will provide Class I prices which will encourage a greater production of milk during those months when it is most needed to meet minimum Class I requirements for the market.

July, which under the present pricing provisions is grouped with January, February, and March, is included as a flush production month under the recommended schedule of differentials. Production during July approximates production during May and June and substantially exceeds that of April. Furthermore, producer receipts during July are considerably in excess of Class I needs in the market. The pasture season in the Paducah area normally runs at least through July and this will normally contribute to adequate supplies of milk during this month.

The recommended schedule of differentials will result in an increase in the average Class I differential of approximately 13 cents. Had this schedule of differentials been in effect during the fiscal year ending May 31, 1949, the weighted blend price per hundredweight for 4 percent milk would have been increased by 10 cents. The increase in annual returns to producers which would result from the proposed schedule of differentials is fully justified in view of the fact that the market continues short of producer milk for Class I needs during most of the year and in view of the fact that premiums of approximately 35 cents per hundredweight are being paid currently by certain handlers to retain producers against competition from distributors in other fluid milk markets.

Producers proposed that a supply-demand adjustment be incorporated in the pricing provisions which would increase or decrease the Class I price 2 cents per hundredweight for each percentage point that the volume of producer receipts during the 12 months preceding January and August was above or below, respectively, 135 percent of Class I sales during such periods. The recommended Class I differentials represent a substantial change in the pricing of Class I milk in the market which it is believed should alter substantially the present pattern of production and bring receipts and sales of milk in closer alignment with each other. Any significant change in the volume and pattern of production should alter the need for and the manner of application of a supply-demand adjustment. Hence, it is concluded that the adoption of such a provision should be delayed until the future production pattern is more evident and to give additional time for study to determine the most desirable form of adjustment which should be adopted. If at a later date such an adjustment is necessary the proposal may be reconsidered at another hearing.

(2) The proposal to classify as Class II all milk, skim milk, and cream disposed of by dumping should not be adopted. Under the provisions of the present order any milk, skim milk, or cream which is dumped is considered unaccounted for milk which, within the limits of 2 percent of producer receipts is allowable shrinkage and is classified as Class II. Unaccounted for producer milk in excess of allowable shrinkage is classified as Class I.

Any excess butterfat which cannot be disposed of for fluid uses or in other higher valued products can be utilized in the manufacture of butter, facilities for which are available locally. Hence, under no circumstances, should it be necessary to dispose of whole milk or butterfat by dumping.

Substantial quantities of other source milk are brought into the market to supplement supplies of producer milk in all except the peak production months. A Class II classification for producer skim milk which is dumped at the same time that other source milk is being received for fluid uses cannot be justified. This narrows the consideration to one of a lower classification for skim milk dumped during the peak production months when supplies of local producer milk exceed the demand for fluid uses. The recommended reduction of 15 cents per hundredweight in the price of skim milk during April, May, and June and of 35 cents per hundredweight during July should promote a greater disposition of Class I milk and minimize the problem of surplus disposal. Facilities for the disposal of surplus skim milk are located within reasonable distances of Paducah and there was no showing that these facilities could not be used for the disposition of any surplus of skim milk which might develop in the market. Furthermore, dumping results in complete disappearance of the skim milk and butterfat involved and it would be necessary in order to adequately protect producer interests that a representative of the market administrator's office be in a position to witness the actual dumping. Because of the physical set-up of the Paducah market this would generally be impractical. Hence, it is necessary that a limit be maintained on the volume of unaccounted for milk which may be classified as Class II. It is concluded that a Class II classification for skim milk disposed of by dumping should not be allowed.

(3) No changes should be made in the administrative assessment provisions

with respect to a reduction in the present assessment rate and the exclusion from assessment of other source milk which has been assessed under another Federal order.

The present language of the order sets a maximum rate of assessment of 5 cents per hundredweight. The order provides for the fixing of a rate of less than 5 cents if the Secretary determines that a lesser rate will supply sufficient funds for the proper administration of the order. Both producers and handlers agree that it is in their interest that the market administrator have the necessary funds to administer the order properly. As soon as an adequate reserve has been accumulated the assessment rate should be reduced in line with then current operating expenses. This of course can be done within the scope of present language. It is concluded that no change need be made in the language of this provision at this time.

Other source milk assessed under another marketing order should not be excluded from assessment under the Paducah order. The assessment charge is merely a medium for the equitable distribution of the administrative costs among the several handlers in the market. Receipts of milk assessed under another Federal order represent a substantial portion of total receipts of other source milk which in the short production months account for as much as 40 percent of total receipts in the handlers' fluid milk plants. The exclusion from assessment of these receipts assessed under another Federal order would necessitate an increase in the present assessment rate. Handlers argue that the continued assessment of this milk places them in the position of paying double assessment. In this connection it is pointed out that the transaction is in fact an outright purchase of milk by Paducah handlers from a plant operator in another market. The assessment charge in the other market is included as a part of the total purchase price which the Paducah handler must balance against the cost of similar quality milk from other areas, not under Federal regulation, in deciding from whom he shall purchase his needed supplies. It is concluded that such other source milk should bear its pro rata share of the administrative costs.

(4) Sour cream received as other source milk and utilized in the manufacture of butter should be excluded from the administrative assessment provisions, but must continue to be subject to the reporting and accounting provisions. Handlers contend that sour cream received as other source milk is used for the manufacture of butter and that their butter making operations are required by the health department to be kept physically separate from their fluid operations in which only Grade A milk is utilized.

The record is not clear that butter making operations are in fact kept entirely segregated from fluid operations to the extent that they are not contained in the same fluid milk plant. However, since other source milk received as sour cream is not commingled with producer milk and utilized in fluid products, but is used of necessity, almost exclusively in butter, and because the manufacture of butter from sour cream is not an operation common to all handlers in the market it is concluded that greater equity will prevail if it is excluded from the assessment provisions. While producer milk in excess of fluid requirements may from time to time be utilized with sour cream in the manufacture of butter the problem of verification is primarily one of verifying the transfer from the fluid operations and as such is not nearly as time consuming as is the checking of receipts and utilization in the fluid milk plant. However, the market administrator must be in a position to verify in detail the disposition of all receipts, including sour cream, if necessary, to satisfy himself as to the proper classification of producer milk and hence sour cream receipts must continue to be subject to the reporting and accounting provisions.

(5) The proposal that the order be amended to provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time during which obligations under the order shall be valid should be adopted. The recommended amendment is identical in principle with the general amendment effective February 22, 1949, to all orders in operation on July 30, 1947. The Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable to conditions under this order and the decision of January 26, 1949, is hereby adopted as a part of this decision as if set forth in full herein.

(6) *General findings.* (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Paducah, Kentucky Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of October 1949.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

Order,[1] *Amending the Order Regulating Handling of Milk in Paducah, Ky., Marketing Area*

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held July 6 and 7, 1949, upon a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, milk marketing area. The recommended decision (14 F. R. 6046) was made by the Assistant Administrator of the Production and Marketing Administration on September 28, 1949. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that a pro rata assessment on handlers at a rate of 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts by the handler, during the delivery period, of milk from producers (including such handler's own production) and other source milk other than sour cream used in the production of butter, upon which payment is required pursuant to § 977.9 of this order, will provide the funds necessary for the maintenance and functioning of the market administrator in the administration of this order.

It is hereby ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended as follows:

1. Amend § 977.3 by adding a new paragraph to read as follows:

(c) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

2. Delete § 977.5 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.50 for the delivery periods of August, September, October, November, and December; $0.90 for the delivery periods of January, February, and March; and $0.50 for the delivery periods of April, May, June, and July.

3. Delete the period at the end of the first sentence of § 977.9 and substitute therefor the following: "other than sour cream used in the production of butter."

4. Amend the order by adding a new section to read as follows:

§ 977.15 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administration notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 49-8579; Filed, Oct. 25, 1949; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52330]

DESIGNATION OF OFFICERS TO PERFORM FUNCTIONS UNDER CERTAIN NAVIGATION LAWS

Pursuant to the authority conferred upon the Commissioner of Customs by section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), the order of the Commissioner of Customs designating officers of the Bureau of Customs to perform certain functions under the navigation laws, published as T. D. 52209 (14 F. R. 2244), is hereby amended as follows:

1. In the first clause of subdivision (a), and the last sentence of subdivision (d), "Chief, Division of Marine Administration," is substituted for "Assistant Deputy Commissioner of Customs in charge of Marine Administration."

2. In subdivisions (a) (1) and (a) (2) "said Chief" is substituted for "Assistant Deputy Commissioner of Customs in charge of Marine Administration" in each place where the latter term appears.

3. Subdivision (a) (3) is amended to read as follows:

(3) No fine, penalty, or forfeiture exceeding $2,000 in the aggregate in any one case shall be remitted or mitigated by the said Chief.

4. Subdivision (b) is deleted and subdivisions (c) to (h), inclusive, are redesignated (b) through (g), respectively.

5. The parenthetical matter at the end of redesignated subdivision (f) is amended by deleting ", Cum. Supp.,".

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 19, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8572; Filed, Oct. 25, 1949; 8:54 a. m.]

[T. D. 52331]

DESIGNATION OF OFFICERS WHO SHALL MAKE CERTAIN DECISIONS

Pursuant to the order of the Secretary of the Treasury published as T. D. 52121 (14 F. R. 123, 227), final decisions in cases within the purview of the order shall be made as follows except where, in the opinion of the chief of the division, the question pending for decision is of exceptional importance or involves some other special factor requiring the attention of the Commissioner of Customs, in which case the decision shall be made by the Commissioner of Customs:

(a) By the Chief, Division of Drawbacks, Enforcement, and Quotas:

(1) Decisions as to the remission or mitigation of fines, penalties (including forfeitures), and liquidated damages in amounts not exceeding $2,000 in the aggregate in any one case.

(2) Decisions authorizing the filing of general term bonds.

(3) Decisions on applications submitted pursuant to section 562, Tariff Act of 1930.

(4) Decisions as to the entry of articles under section 308, Tariff Act of 1930, as amended.

(b) By the Chief, Division of Classification, Entry, and Value:

(1) Decisions relating to the classification, entry, or valuation of merchandise.

(2) Decisions relating to powers of attorney.

(3) Decisions relating to shortages of merchandise, arising under section 499 or any other provision of the Tariff Act of 1930, as amended.

(4) Decisions regarding liens, arising under section 564, Tariff Act of 1930.

(5) Decisions regarding bills of lading carriers' certificates, or rights in respect of merchandise, arising under section 483 or 484 (c), (h), or (i), Tariff Act of 1930.

(6) Decisions regarding owners' declarations arising under section 485 (d), Tariff Act of 1930.

(7) Decisions regarding authorizations for reliquidation under section 515 or 520 (c) (2), Tariff Act of 1930, as amended.

T. D. 52122 (14 F. R. 124) is hereby superseded.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 19, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-8571; Filed, Oct. 25, 1949; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

War Assets

[Wildlife Order 12]

TRANSFER OF PORTION OF CAMP SHERMAN RIFLE RANGE (W-OHIO-101) TO STATE OF OHIO

Pursuant to the authority granted under Public Law 537, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated September 15, 1949, to the State of Ohio, a portion of that property known as Camp Sherman Rifle Range, Ohio, and more particularly described in such deed, has been transferred from the United States to the State of Ohio.

2. The above described property is transferred to the State of Ohio for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

JESS LARSON,
Administrator of General Services.

OCTOBER 18, 1949.

[F. R. Doc. 49-8562; Filed, Oct. 25, 1949; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular 1740]

TOWN SITES OF POINT OF ROCKS AND ARGUS, AND EAST AND SOUTH ADDITIONS TO TOWN SITE OF ARGUS, CALIFORNIA

SALE OF TOWN LOTS

1. *Statutory authority.* The lots in the town sites of Point of Rocks and Argus, and in the East and South Additions to the town site of Argus, California, will be disposed of under sections 2382 to 2386, U. S. Revised Statutes (43 U. S. C. 713-717). The town site plats of Point of Rocks and the East and South Additions to Argus were accepted September 21, 1948. The town site plat of Argus was accepted November 21, 1942.

2. *Lots, areas, and minimum prices.* The lots which will be offered for sale, and the areas and minimum prices thereof, are shown in the attached schedule.

3. *Public sale.* The unreserved lots for which no preemption proof has been made as hereinafter provided, will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder, at Trona, California, on December 7, 1949, beginning at 10 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payment.* No lot will be sold for less than the appraised price. Full payment must be made in cash for those lots sold for not more than $50.00. Payment must be made on the date of sale. The lots which are sold for more than $50.00 and not more than $100.00 may be paid for in cash on the date of sale, or in two equal installments, the first installment to be paid on the date of sale, and the second installment within one year from the date of sale, with interest at the rate of four percent per annum to the date of payment.

Those lots which are sold for more than $100.00 may be paid for in cash on the date of sale, or one-third of the purchase price may be paid in cash at that time and the balance in not to exceed two equal annual installments, with interest at the rate of four percent per annum to the date of payment.

Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Sacramento District Land Office, Sacramento, California.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in California.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Preemption claims.* Any person who has established settlement on any lot prior to the effective date of these regulations, and has made substantial improvements on the lot, and has maintained such settlement, with the improvements, to the date of proof, is entitled to make a preemption entry at the minimum price for such lot and one other lot on which he has made substantial and permanent improvements. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequent to the submission of the proof, but patent, if issued, will be in the name of the settler and not of the transferee.

The notice of intention to make preemption proof must be made on Form 4-348, and should give the date of settlement and the value and character of the improvements. Claimants must file their notices of intention by October 31, 1949, in order that publication may be made and proof submitted prior to the date of the public sale.

On the filing by the applicant of the notice of intention to make proof, notice for publication will be issued by the Manager, which the applicant must have published at his own expense in the "Printer-Review," a weekly newspaper, published at Barstow, California, in four consecutive issues, prior to the date set for proof. Proof consisting of the affi-

davit of the applicant and of at least two of the advertised witnesses may be made before the Manager of the Sacramento District Land Office, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, citizenship, and his actual residence and substantial improvements upon one lot, and substantial improvements on a second lot where two lots are included in the application. Proof of publication must be shown by a statement of the publisher. The purchase price of the lot or lots must be paid to the Manager. Where the amount exceeds $50.00 the payment may be made in annual installments as provided in Paragraph 4.

9. *Removal of improvements.* Owners of improvements who do not purchase the lots on which the improvements are located will be allowed six months from the date of the sale within which to remove their improvements.

10. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their appraised price, and may be purchased from the Manager, Sacramento District Land Office, Sacramento, California.

11. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable source materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

Lots in the town site of Argus and in the East and South Additions to Argus which are crossed by the transmission line right-of-way of the Southern Sierras Power Company will be sold subject to the right-of-way. Patents for these lots, when issued, will contain a reservation under the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, as to the portions of the lots which lie within 20 feet of the center line of the transmission line right-of-way.

All lots in the town site of Argus, and in the South and East Additions thereto, and all lots in that part of the town site of Point of Rocks which is situated in the W½SW¼NW¼ sec. 4, T. 25 S., R. 43 E., M. D. M., are in Potash Reserve No. 2, California No. 1, approved February 21, 1913, and will be sold with a reservation of the potash and sodium deposits in the lands. Patents for such lots, when issued, will contain a reservation of the potash and sodium in accordance with the provisions of the act of July 17, 1914 (38 Stat. 509, 30 U. S. C. secs. 121–123), as amended.

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

MARION CLAWSON,
Director.

Approved: October 19, 1949.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1740

ARGUS TOWN SITE

Block	Lot	Area in square feet	Appraised value and minimum price
30	3	3,427	$55.00
31	2	7,000	60.00
	5	7,000	75.00
	6	6,944	100.00
	12	7,000	60.00
40	6	4,156	150.00
41	13	16,635	175.00
46	5	7,000	55.00
	6	7,000	50.00
	8	5,548	60.00
48	9	6,574	32.50

SOUTH ADDITION TO ARGUS TOWN SITE

60	12	9,453	$325.00
	13	8,050	250.00
	14	7,000	250.00
	15	7,000	275.00
	16	7,000	275.00
	17	7,000	300.00
	18	7,000	325.00
	19	7,000	350.00
	20	7,000	375.00
	21	7,000	425.00
	22	4,182	300.00
61	1	2,588	225.00
	2	10,291	450.00
	3	8,989	400.00
	4	7,518	350.00
	5	6,048	300.00
	6	4,577	250.00
	7	3,106	225.00
	8	1,911	300.00
62	1	5,833	170.00
	2	6,733	160.00
	3	7,052	150.00
	4	7,372	150.00
	5	7,691	160.00
	6	8,010	160.00
	7	8,330	170.00
	8	8,650	180.00
	9	8,969	200.00
63	1	6,377	175.00
	2	7,000	160.00
	3	7,000	140.00
	4	7,000	140.00
	5	7,000	140.00
	6	7,000	140.00
	7	7,000	140.00
	8	7,000	140.00
	9	7,000	150.00
	10	7,000	115.00
	11	7,000	100.00
	12	7,000	100.00
	13	7,000	100.00
	14	7,000	110.00
	15	7,000	110.00
	16	7,000	120.00
	17	7,000	130.00
	18	6,406	140.00
64	1	6,443	140.00
	2	7,000	130.00
	3	7,000	120.00
	8	7,000	100.00
	9	7,000	110.00
	10	6,472	120.00
65	1	6,511	120.00
	2	7,000	110.00
	3	7,000	90.00
68	1	7,000	150.00
	2	7,000	125.00
	3	7,000	120.00
	4	7,000	120.00
	5	7,000	120.00
	6	7,000	135.00
	7	7,000	110.00
	8	7,000	100.00
	9	7,000	90.00
	10	7,000	90.00
	11	7,000	90.00
	12	7,000	100.00
69	1	2,910	225.00
	2	9,899	325.00
	3	9,774	300.00
	4	8,538	275.00
	5	7,330	250.00
	6	7,344	275.00
70	7	7,378	275.00
	8	7,700	225.00
	9	7,700	225.00
	10	7,700	250.00
	11	7,700	275.00
	12	7,700	300.00
73	10	7,000	200.00
	11	7,000	225.00
	12	7,000	250.00
74	------	6,286	300.00

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1740—Continued

EAST ADDITION TO ARGUS TOWN SITE

Block	Lot	Area in square feet	Appraised value and minimum price
51	7	7,000	$75.00
	8	7,000	65.00
	9	7,000	65.00
	10	7,000	65.00
	11	7,000	65.00
	12	6,982	70.00
52	7	7,000	100.00
	8	7,000	85.00
	9	7,000	80.00
	10	7,000	80.00
	11	7,000	75.00
	12	7,000	80.00
55	1	7,000	100.00
	2	7,000	100.00
	3	6,532	125.00
	4	6,532	125.00
	5	6,535	200.00

POINT OF ROCKS TOWN SITE

6	1	7,000	$50.00
	2	7,000	50.00
	3	7,000	50.00
7	4	7,000	50.00
	5	7,000	50.00
	6	7,000	55.00
18	4	7,000	55.00
	5	7,000	55.00
	6	7,000	60.00
19	1	7,000	65.00
	2	7,000	65.00
	3	7,000	65.00
	4	7,000	65.00
	5	7,000	65.00
	6	7,000	70.00
	7	2,956	50.00
	8	3,987	50.00
	9	4,678	50.00
	10	5,363	50.00
	11	6,051	65.00
20	1	13,608	120.00
	2	11,720	100.00
	3	11,720	100.00
	8	11,671	110.00
	9	11,116	100.00
	10	10,428	100.00
	11	9,747	100.00
	12	9,059	100.00
	13	8,364	100.00
	14	7,925	100.00
	15	10,788	120.00
22	1	9,772	100.00
	2	9,772	90.00
	3	9,772	90.00
	4	9,772	100.00
	5	9,772	100.00
	6	9,772	100.00
	7	6,643	100.00
23	4	7,000	85.00
	5	7,000	85.00
	6	7,000	90.00
	7	7,000	95.00
	8	7,000	90.00
	9	7,000	90.00
	10	7,000	90.00
	11	7,000	90.00
	12	7,000	100.00
24	7	7,000	110.00
	8	7,000	100.00
	9	7,000	100.00
	10	7,000	100.00
	11	7,000	100.00
	12	7,000	100.00
25	7	7,000	115.00
	8	7,000	100.00
	9	7,000	100.00
26	7	7,000	115.00
	8	7,000	100.00
	9	7,000	100.00
	10	7,000	100.00
	11	7,000	100.00
	12	7,000	115.00
27	10	7,000	110.00
	11	7,000	110.00
	12	7,000	120.00
30	1	10,419	150.00
	2	6,942	125.00
	3	6,524	120.00
31	1	9,145	140.00
	2	9,145	130.00
	3	9,145	130.00
	4	8,952	125.00
	5	8,286	125.00
	6	7,600	125.00
	7	8,704	160.00
32	1	10,967	135.00
	2	10,499	125.00
	3	9,592	120.00

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1740—Continued

POINT OF ROCKS TOWN SITE—continued

Block	Lot	Area in square feet	Appraised value and minimum price
32	4	8,905	$120.00
	5	8,218	120.00
	6	7,531	125.00
33	1	7,000	120.00
	2	7,000	110.00
	3	7,000	110.00
	4	7,000	110.00
	5	7,000	110.00
	6	7,000	125.00
34	1	7,000	100.00
	2	7,000	90.00
	3	7,000	90.00
	4	7,000	90.00
	5	7,000	90.00
	6	7,000	100.00
35	4	7,000	85.00
	5	7,000	85.00
	6	7,000	90.00
	7	7,554	110.00
37	10	10,000	80.00
	11	10,000	85.00
	12	10,000	85.00
	13	10,000	90.00
	14	10,000	90.00
	15	10,000	100.00
	16	10,000	100.00
	17	10,000	100.00
	18	10,000	100.00
	19	10,000	100.00
	20	10,000	100.00
	21	10,000	110.00
	22	10,000	110.00
	23	10,000	110.00
	24	10,000	115.00
	25	10,000	120.00
	26	10,000	125.00
	27	13,840	165.00
38	1	7,840	125.00
	2	7,840	100.00
	3	9,940	110.00
	9	7,000	120.00
	10	7,000	100.00
	11	7,000	100.00
39	1	7,840	160.00
	2	7,840	140.00
	3	9,940	130.00
	4	10,500	140.00
	5	9,625	125.00
	6	9,625	125.00
	7	9,625	125.00
	8	7,805	125.00

[F. R. Doc. 49-8506; Filed, Oct. 25, 1949; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2210]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. AND EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER COMPETITIVE BIDDING AND GRANTING AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1949.

Eastern Utilities Associates ("EUA"), a registered holding company, and its subsidiary company, Blackstone Valley Gas and Electric Company ("Blackstone"), having filed an application-declaration and amendments thereto, pursuant to section 6 (b) and 12 of the Public Utility Holding Company Act of 1935, and Blackstone in its application, as amended, having proposed the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50 of the rules and regulations promulgated under said act, of 35,000 shares of its --%, cumulative preferred stock, par value $100 per share; and

The Commission, by order dated October 6, 1949, having granted said application-declaration subject, among other things, to the condition that the proposed issue and sale of said preferred stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in these proceedings and a further order should have been entered by the Commission in the light of the record so completed, which order should contain such further terms and conditions as then might be deemed appropriate; and

Applicants-Declarants, on October 19, 1949, having filed a further amendment to the amended application-declaration setting forth therein the action taken by Blackstone to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids were received:

Bidding group headed by—	Dividend rate	Price bid	Underwriting compensation	Cost of money
	Percent			
W. C. Langley & Co.	4.25	$102.40	$77,000	4.241
Harriman Ripley & Co., Inc.	4.45	105.50	59,875	4.287
Estabrook & Co., and Stone & Webster Securities Corp.	4.30	102.375	76,650	4.292
Salomon Bros. & Hutzler	4.35	102.35	39,500	4.297
Kidder, Peabody & Co.	4.50	105.88	73,150	4.335

Applicants-Declarants having further stated that Blackstone has accepted the bid of W. C. Langley & Co. for the preferred stock as set forth above and that said preferred stock is to be offered to the public at the bid price of $102.40 per share, plus accrued dividends from October 1, 1949 to date of delivery, the underwriting compensation to be paid by Blackstone amounting to $2.20 per share; and

The Commission having examined the amendment filed October 19, 1949 and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said preferred stock, the dividend rate thereof, and the underwriter's compensation, and it appearing appropriate to the Commission that jurisdiction heretofore reserved with respect to the results of competitive bidding be released and that jurisdiction with respect to counsel fees in connection with the proposed transaction be continued:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the issue and sale of said preferred stock be, and the same hereby is, released and that said application, as amended, be and the same hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the reservation of jurisdiction with respect of all counsel fees in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8547; Filed, Oct. 25, 1949; 8:46 a. m.]

[File No. 70-2252]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of October 1949.

Notice is hereby given that an application has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the general rules and regulations promulgated thereunder, by Missouri Power & Light Company, ("Missouri Power"), a subsidiary of North American Light & Power Company, a registered holding company, in which section 6 (b) of the act and Rules U-20, U-23, U-24, and U-50 promulgated thereunder are designated as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 2, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Missouri Power proposes to issue and sell, at competitive bidding pursuant to the provisions of Rule U-50, 20,000 additional shares of --% Cumulative Preferred Stock, ("new preferred stock"), par value $100 per share, and $2,000,000 principal amount of First Mortgage Bonds, --% Series due 1979 ("new bonds").

The invitations for bids will provide that (1) each stock bid shall specify the dividend rate for the new preferred stock, which rate shall be in a multiple of 10 cents, and the price to be paid the company, exclusive of accrued dividends, which price shall be not less than $100 nor more than $102.75, per share, plus accrued dividends from October 1, 1949, and (2) each bond bid shall specify the coupon rate for the new bonds which shall be a multiple of ⅛% and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100% nor more than 102.75% of the principal amount of said bonds, plus accrued interest from November 1, 1949.

The new bonds will be issued under a Mortgage and Deed of Trust between the applicant and Harris Trust and Savings Bank and Clark Cox, as trustees, dated

July 1, 1946, and a Second Supplemental Indenture to be dated November 1, 1949.

Applicant proposes to apply the net proceeds from the proposed issuances and sales in part to the payment of its unsecured promissory notes aggregating $2,000,000, to reimburse its treasury for capital expenditures previously made and, in part, to the payment of the cost of property additions during 1949–50, estimated in the amount of $7,755,000.

Applicant has filed an application with the Public Service Commission of Missouri regarding the proposed transactions.

The applicant has requested that the Commission's order herein issue on or before November 3, 1949 and be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–8548; Filed, Oct. 25, 1949; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

OCTOBER 21, 1949.

Notice is hereby given that, on October 19, 1949, the Federal Power Commission issued its order entered October 18, 1949, modifying order dated September 20, 1949 (14 F. R. 5750), authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49–8557; Filed, Oct. 25, 1949; 8:48 a. m.]

[Docket No. E–6217]

OHIO POWER CO. AND CINCINNATI GAS & ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OF FACILITIES

OCTOBER 21, 1949.

Notice is hereby given that, on October 19, 1949, the Federal Power Commission issued its order entered October 18, 1949, authorizing and approving merger of facilities in the above entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49–8555; Filed, Oct. 25, 1949; 8:47 a. m.]

[Docket No. E–6218]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF AMENDMENT TO APPLICATION

OCTOBER 21, 1949.

Notice is hereby given that on October 18, 1949, a First Amendment to Application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 241,577 shares of Common Stock par value of $5 each, in lieu of 217,418 shares of Common Stock proposed for issuance in the initial application filed in this matter on June 23, 1949, on which a notice was published in the FEDERAL REGISTER (14 F. R. 3596) on June 30, 1949. Such shares will be issued for common shares of Montana-Wyoming Gas Pipe Line Co., then outstanding upon the voluntary exchange thereof by individual holders of such stock on a share for share basis. Applicant will receive for each share of its own $5 par value Common Stock one share of the $5 par value Common Stock of Montana-Wyoming Gas Pipe Line Co.; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 8th day of November 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49–8554; Filed, Oct. 25, 1949; 8:47 a. m.]

[Docket No. E–6236]

TEXAS GULF SULPHUR CO. (INC.)

NOTICE OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTION FOR USE OF INTERCONNECTION

OCTOBER 21, 1949.

Notice is hereby given that, on October 17, 1949, the Federal Power Commission issued its order entered October 13, 1949, in the above-designated matter, determining emergency and granting exemption until December 31, 1950, for use of interconnection of facilities.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49–8556; Filed, Oct. 25, 1949; 8:47 a. m.]

[Docket No. G–1230]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER VACATING SUSPENSION AND ALLOWING SUPPLEMENT TO RATE SCHEDULE TO TAKE EFFECT

OCTOBER 21, 1949.

Notice is hereby given that, on October 19, 1949, the Federal Power Commission issued its order entered October 18, 1949, vacating suspension of proposed Supplement No. 5 to Rate Schedule FPC No. 25 of Interstate Natural Gas Company, Inc., as provided by order of June 23, 1949 (14 F. R. 3595–96) allowing said Supplement No. 5 to take effect as of June 26, 1949, and terminating proceedings in the above designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49–8558; Filed, Oct. 25, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13929]

BANK FUER LANDWIRTSCHAFT, A. G.

In re: Bank account owned by Bank fuer Landwirtschaft, A. G. F–28–760–E–4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank fuer Landwirtschaft, A. G., the last known address of which Dessauerstrasse 26, Berlin, S. W. 11, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an Unpresented Foreign Draft Account, entitled Koelner Handelsbank, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bank fuer Landwirtschaft, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8564; Filed, Oct. 25, 1949; 8:49 a. m.]

[Vesting Order 13930]

K. ENDO AND HARU ENDO

In re: Safe deposit box lease and contents owned by the personal representatives, heirs, next of kin, legatees and distributees of K. Endo, also known as Koshiro Endo, deceased, and of Haru Endo, deceased. D-39-2535-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of K. Endo, also known as Koshiro Endo, deceased, and of Haru Endo, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created under and by virtue of a safe deposit box lease agreement by and between K. Endo, also known as Koshiro Endo and Haru Endo and the Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, relating to safe deposit box number 165, located in the vaults of the Compton Branch, 201 E. Compton Blvd., Compton, California, of the aforesaid Bank, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever located in the safe deposit box referred to in subparagraph 2 (a) hereof and all rights and interests evidenced or represented thereby,

subject, however, to any liens of the aforesaid Security First National Bank of Los Angeles, California, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of K. Endo, also known as Koshiro Endo, deceased, and of Haru Endo, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of K. Endo, also known as Koshiro Endo, deceased, and of Haru Endo, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8565; Filed, Oct. 25, 1949; 8:49 a. m.]

[Vesting Order 13934]

FANNY SEITZ

In re: Stock owned by and debts owing to Fanny Seitz, also known as Fanny Seitz Gring. F-28-30134-A-1, F-28-30134-D-1, D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Seitz, also known as Fanny Seitz Gring, whose last known address is Stetten o. L. uber Ulm/Donau, Wurttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifteen (15) shares of no par value Class A common capital stock of Arkansas Natural Gas Corporation, Slattery Building, Shreveport, Louisiana, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered TNY055637, registered in the name of Fanny Seitz, and presently in the custody of Mrs. John Bunke, 1000 Woodycrest Avenue, New York 52, New York, together with all declared and unpaid dividends thereon,

b. Two (2) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LA 52034, registered in the name of Fanny Seitz, and presently in the custody of Mrs. John Bunke, 1000 Woodycrest Avenue, New York 52, New York, together with all declared and unpaid dividends thereon.

c. That certain debt or other obligation owing to Fanny Seitz, also known as Fanny Seitz Gring, by Mrs. John Bunke, 1000 Woodycrest Avenue, New York 52, New York, in the amount of $6.00, as of April 4, 1949, representing dividends paid on capital stock of Arkansas Natural Gas Corporation, as described in subparagraph 2 (a) above, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Fanny Seitz, also known as Fanny Seitz Gring, by Mrs. John Bunke, 1000 Woodycrest Avenue, New York 52, New York, in the amount of $8.29, as of April 4, 1949, representing dividends paid on capital stock of Cities Service Company, as described in subparagraph 2 (b) above, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fanny Seitz, also known as Fanny Seitz Gring, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8566; Filed, Oct. 25, 1949; 8:49 a. m.]

[Return Order 463]

BJORN VALEUR LARSEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bjorn Valeur Larsen, Charlottenlund, Ellevadsvej 2c, Denmark; Claim No. 35876; September 14, 1949 (14 F. R. 5643); property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943), relating to United States Let-

ters Patent No. 2,263,895. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8568; Filed, Oct. 25, 1949; 8:49 a. m.]

[Return Order 458]

VIRGINIA A. (PHILLIPS) DALLA ROSA-PRATI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Virginia A. (Phillips) Dalla Rosa-Prati, 3620 Clay Street, San Francisco, Calif.; Claim No. 30519; August 13, 1949 (14 F. R. 5036); a certificate for 2,493 shares of common stock of the Phillips and Van Orden Company, Inc., a California Corporation, registered in the name of the Alien Property Custodian, presently held in safe keeping by the Federal Reserve Bank of New York; and $22,437.00 in the Treasury of the United States, representing dividends on the aforesaid stock. All right, title, interest and claim of any name or nature which Virginia A. (Phillips) Dalla Rosa-Prati possessed immediately prior to vesting in and to all obligations, contingent or otherwise and whether or not matured, owing to her by said Phillips and Van Orden Company, Inc. All other interests of whatsoever nature possessed by the said Virginia A. (Phillips) Dalla Rosa-Prati immediately prior to vesting in the said Phillips and Van Orden Company, Inc.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8567; Filed, Oct. 25, 1949; 8:49 a. m.]